

Confusion over Whether the COJ Parks are Closed or Not

By Cllr Tim Truluck, 19th March 2020

From Jozi Trails and the Ward 117 in Joburg facebook group pages

<https://www.facebook.com/groups/208002479780351/permalink/632956930618235/>

<https://www.facebook.com/Jozi117/posts/10163146661735514>

This morning, several City Councillors were advised by Senior City Parks officials that all parks were to be closed in Johannesburg because of the inability of the city to sanitise playgrounds and gym equipment. They said that parks were already closed at night from 6pm to 6am, and so the intimation was that they would now stay closed for the remaining 12 hours during the day.

Furthermore, the Joburg Zoo, Nature Reserves and the Emmarentia Botanical Gardens were closing and a notice was prepared alerting the residents.

Later on in the morning on Radio 702's Eusebius McKaiser show, the Mayor of Johannesburg, Geoffrey Makhubo was interviewed about the COJ's stringent measures to prevent the spread of COVID19 in the city.

<http://www.702.co.za/.../johannesburg-council-activates-strin...>

Right at the end of the interview (23 minutes 0 seconds), Mayor Makhubo says: "We have not closed the parks as yet."

This then lead to a general confusion as to whether the parks are closed or not.

But, earlier in the interview (listen from 6 minutes 40 seconds), Mayor Makhubo concedes that decisions taken at a Provincial or National level supercedes any decision at the municipal level if there is conflict.

When I looked at the "REGULATIONS ISSUED IN TERMS OF SECTION 27(2)0 OF THE DISASTERMANAGEMENT ACT, 2002" gazetted on 18 March 2020, they make no mention of parks or public spaces, just of a "gathering" which it defines as

"Any assembly, concourse or procession of more than 100 persons, wholly or partially in open air or in a building or premises."

It goes on to note under the section called "Prevention and prohibition of gatherings" that:

"In order to contain the spread of COVID-19, a gathering is prohibited."

It goes on to say, "an enforcement officer must, where a gathering takes place — order the persons at the gathering to disperse immediately; and if they refuse to disperse, take appropriate action, which may, subject to the Criminal Procedure Act, include arrest and detention."

This indirectly speaks to parks as it mentions an assembly and concourse. One of the definitions of concourse is: "An open space or hall (as in a railroad or airport terminal) where crowds gather." So, it does speak to a park as a park is often called a "Public Open Space".

However, it just talks about limiting the numbers to 100 persons in a public space and says nothing about closing down parks.

I then found a Media Statement by the Gauteng Provincial Government released on 18 March 2020 titled "GAUTENG EXECUTIVE COUNCIL IMPLEMENTATION AND ENFORCEMENT MEASURES TO CURB THE SPREAD OF COVID-19".

<https://cmbinary.gauteng.gov.za/Media...>

In it, they said:

“Following the declaration of the national disaster, on Monday, 16 March 2020, we convened a special meeting of the Executive Council - with mayors from Johannesburg, Ekurhuleni, West Rand and Sedibeng municipalities in attendance - to discuss a comprehensive response by the province including how we will enforce all measures announced by the President.

We have adopted a widely multi-sectoral and multi-disciplinary approach and should proactively involve significant actors within the province to deal with the COVID-19 pandemic.”

They have formed a Gauteng Command Council, which will undertake various measures in Gauteng to mitigate against the threat of COVID-19.

One of these measures is listed as:

“We agreed with Municipalities that from today, the 18th of March 2020, all public facilities will be closed. These include:

- Recreational facilities
- Community halls/Civic centres - Swimming pools
- Camping sites
- Museums
- Art centres
- Stadia
- Picnic and spray parks
- Braai and picnic spots
- City sports fields
- Nature reserves and Resorts”

Again they do not specifically mention parks by themselves. However, the listing of recreational facilities as well as “picnic and spray parks” leads me to believe they mean that parks in the province are to be closed as well.

Furthermore, in a press briefing on COVID-19 on 18 March 2020, Gauteng Health MEC, Dr Bandile Masuku, the province's spokesperson on the virus, said that “Gauteng residents have also been urged to follow directives and keep gatherings such as weddings, parties and funerals to below 100 as directed by the president on Sunday night.”

<https://www.iol.co.za/.../coronavirus-gauteng-public-pools-pa...>

He then went on to say that “Public parks, swimming pools and reserves would be closed as of Wednesday, as one of the solutions to social isolation.”

It is thus quite clear that the intention of the Provincial Government is to shut down public parks to help stop the spread of COVID-19 and that as a Provincial directive, it supercedes what Mayor Makhuba said on 702.

Public parks in Johannesburg should thus be closed.

However, this is easier said than done. Law enforcement is virtually non-existent at the moment, and until some sort of shutdown is enforced, it is unfeasible that residents will stop using the parks and public open spaces that cannot be locked.

I would thus caution the use of the parks as there is a chance you may be arrested and detained, especially if the authorities want to make an example of someone.

Also be aware of the dangers of spreading or contracting the virus. Don't go into a public area if you have symptoms of the illness. Practice good hand and oral health. Dispose of tissues or wipes in bins. Don't sit on unsanitised benches. Don't use unsanitised playground or gym equipment. Watch what you touch with regard to gates, railings, and

posts. Picking up litter without wearing gloves is to be discouraged. Be careful of petting other dogs. Be aware of social distancing. Flatten the curve.