

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**SOUTH AFRICAN INSTITUTE
FOR DRUG-FREE SPORT BILL**

[B 94—96]

(As agreed to by the Portfolio Committee on Sport and Recreation (National Assembly))

[B 94A—96]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP**

**WETSONTWERP OP DIE SUID-
AFRIKAANSE INSTITUUT VIR
DWELMVRYE SPORT**

[W 94—96]

(Soos goedgekeur deur die Portefeuljekomitee oor Sport en Ontspanning (Nasionale Vergadering))

[W 94A—96]

ISBN 0 621 27147 0

AMENDMENTS AGREED TO

SOUTH AFRICAN INSTITUTE FOR DRUG-FREE SPORT BILL [B 94—96]

CLAUSE 1

1. On page 1, after line 5, to insert the following definition:

“doping”, in relation to the practice of sport, means the administration of substances belonging to prohibited classes of pharmacological agents or the application of any method intended to enhance performance artificially;
2. In the English text, on page 2, in line 6, to omit “Drug-free” and to substitute “Drug-Free”.
3. On page 2, after line 17, to insert the following definition:

“NOCSA” means the National Olympic Committee of South Africa;
4. On page 2, after line 20, to insert the following definition:

“NSC” means the National Sports Council;

CLAUSE 2

1. In the English text, on page 2, in line 24, to omit “Drug-free” and to substitute “Drug-Free”.

CLAUSE 3

1. On page 2, from line 27, to omit subsection (1) and to substitute:

(1) The Institute shall consist of a chairperson and as many other members as may be agreed upon by the Minister in consultation with NSC and NOCSA, all of whom shall be appointed by the Minister in terms of subsection (4).
2. On page 4, from line 23, to omit subsection (10) and to substitute:

(10) (a) The chairperson or an executive member of the Institute may be an official of a national or provincial sports federation: Provided that it shall be incumbent on such chairperson or executive member to prove the satisfaction of the Minister that no conflict of interest exists.

(b) The Minister may remove such chairperson or executive member from his or her office whenever he or she deems it necessary or where a conflict of interest exists or where such chairperson or executive member fails to prove to the satisfaction of the Minister that no conflict of interest exists.

CLAUSE 10

1. On page 6, from line 48, to omit subsection (1) and to substitute:

- (1) The objectives of the Institute are—
- (a) to promote participation in sport, free from the use of prohibited substances or methods intended to artificially enhance performance, thereby rendering impermissible doping practices which are contrary to the principles of fair play and medical ethics, in a manner consistent with protecting the health and well-being of competitors, and the rights of all persons who take part in sport;
 - (b) to encourage the development of programmes for the education of the community in general, and the sporting community in particular, in respect of the dangers of doping in sport;
 - (c) to provide leadership in the development of a national strategy concerning doping in sport;
 - (d) to bring about the introduction of a centralised independent sample collection and testing programme, which may subject any sportsperson to dope testing at short notice, or without notice, both in and out of competition;
 - (e) to encourage the South African national sports federations and other sports organisations to adopt uniform independent internationally acceptable sample collection and testing procedures;
 - (f) to encourage the development and maintenance of a sport drug testing laboratory or laboratories accredited by the International Olympic Committee; and
 - (g) to promote and encourage the adoption of uniform sample collection and testing procedures, and education programmes relating to doping in sport internationally.

CLAUSE 11

1. On page 8, from line 32, to omit subsection (2) and to substitute:

- (2) The Institute shall—
- (a) draw up and maintain a list of prohibited substances and practices complementing the “List of Doping Classes and Methods”, published annually by the International Olympic Committee and other relevant Sporting Federations;
 - (b) establish and maintain a Register of Notifiable Events;
 - (c) notify relevant persons and organisations of entries into the Register of Notifiable Events;
 - (d) disseminate information relating to the penalties likely to be imposed if sportspersons test positive for doping, or if they fail to comply with requests to provide samples for testing;
 - (e) select sportspersons who are to be requested to provide samples for testing;
 - (f) collect samples from sportspersons in accordance with approved guidelines, and secure the safe and tamper-free transit of samples to IOC-accredited laboratories for testing;
 - (g) develop and implement educational programmes to discourage the practice of doping in sport;
 - (h) consult with, assist, co-operate with and provide information to governmental and non-governmental organisations and other persons within South Africa and internationally;
 - (i) take steps aimed at ensuring that South Africa complies with international agreements and other arrangements concerning

the use of drugs and doping in sport, to which South Africa is a party;

- (j) undertake research, co-ordinate and arrange for research to be undertaken in the field of performance-enhancing drugs and doping practices in sport; and
- (k) encourage the pursuit of optimal sports performances in an environment free from the use of drugs.

2. On page 10, after line 2, to add the following subsection:

(3) Any failure of any Federation to co-operate with the Institute shall be reported to the Minister who will address the issue with the relevant macro sporting organisations.

CLAUSE 17

1. On page 12, from line 2, to omit subsections (1) and (2) and to substitute:

(1) (a) There is hereby established a board which shall be known as the Institute Appeal Board, and which shall consist of a panel of not fewer than 10 persons possessing special knowledge and expertise of the subject matter, from which at least three members shall be appointed by the Minister on the recommendation of the Institute to constitute a hearing to hear and decide upon a dispute: Provided that at least one member so appointed by the Minister shall have a legal background.

(b) Before an appeal may be lodged, an amount of one thousand rand shall be deposited by the appellant with the Appeal Board, which amount shall be refundable in full only after the Appeal Board has reached a verdict in favour of the appellant: Provided that the said deposit shall be forfeited by the appellant in the event of the appeal being unsuccessful.

(c) The Appeal Board may with a view to the personal circumstances of a prospective appellant waive the requirement of a deposit referred to in paragraph (b).

(2) (a) The Appeal Board may hear and decide on any dispute relating to drug-taking or doping in sport.

(b) The Appeal Board may confirm or set aside any sanction imposed by a sporting body in respect of drug taking or doping, and may in the place of any sanction so set aside, impose any sanction which in its opinion should and could lawfully have been imposed.

CLAUSE 18

1. In the English text, on page 12, in line 23, to omit “Drug-free” and to substitute “Drug-Free”.

LONG TITLE

1. That the following be a new Long Title:

To promote the participation in sport free from the use of prohibited substances or methods intended to artificially enhance performance, thereby rendering impermissible doping practices which are contrary to the principles of fair play and medical ethics, in the interest of the health and well-being of sportspersons; and to provide for matters connected therewith.