

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

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

[B 7B—2006]

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

[B 7C—2006]

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AMENDMENTS AGREED TO

SOUTH AFRICAN INSTITUTE FOR DRUG-FREE SPORT AMENDMENT BILL [B 7B—2006]

CLAUSE 4

1. On page 6, after line 43, to add:
(b) by the deletion of subsection (3).

CLAUSE 10

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

“Appeals

17. (1) (a) There is hereby established an independent board which shall be known as the Anti-Doping Appeal Board.

(b) The Anti-Doping Appeal Board shall consist of a panel of nine persons, appointed by the Minister, possessing special knowledge and expertise relevant to doping.

(2) (a) The Minister shall on the recommendation of the Institute and SASCOC appoint at least three members from the persons referred to in subsection 1(b) to constitute an appeal tribunal to hear and decide upon appeals against decisions made in terms of Article 13 of the Code where appropriate.

(b) The number of members of an appeal tribunal appointed by the Minister shall consist of an uneven number.

(c) At least two members so appointed by the Minister shall be admitted and practicing attorneys or advocates with at least three years experience in their relevant fields of expertise.

(3) (a) Before an appeal may be lodged, an amount to be determined by the Minister by notice in the *Gazette*, shall be deposited by the appellant with the Anti-Doping Appeal Board, which amount shall be refundable in full only after the said 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.

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

(4) (a) The Anti-Doping Appeal Board may hear appeals involving national level athletes arising from decisions regarding:

- (i) sanctions for anti-doping rule violations, including disqualification, provisional suspension or period of ineligibility;
- (ii) the granting or denying a Therapeutic Use Exemption (TUE);
or

(iii) any other dispute relating to doping in sport:
Provided that appeals involving international level athletes shall be heard by the Court of Arbitration for Sport (CAS).

(b) The Anti-Doping Appeal Board may confirm or set aside any sanction imposed by a sports administration body in respect of

doping, and may in the place of any sanction so set aside, impose any sanction which in its opinion is appropriate.

(5) A member of the Anti-Doping Appeal Board shall, subject to such member's right to resign on one month's written notice, remain a member for such period as the Minister may determine at the time of the member's appointment.

(6) A member of the Anti-Doping Appeal Board shall be appointed for a period of five years, but shall be eligible for reappointment.

(7) The procedure to be followed in connection with appeals to the Anti-Doping Appeal Board shall be determined by the said Board in consultation with the Minister, and every party to an appeal shall be entitled to be represented by a person of his or her own choice: Provided that a member of the Institute shall also be entitled to attend any hearing of an appeal as an observer.

(8) The sanctions which may be imposed on persons guilty of anti-doping rule violations shall be in accordance with the sanctions laid down in the anti-doping rules and regulations of the respective sports federations."

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