

REPUBLIC OF SOUTH AFRICA

DRAFT¹

SPORT INTEGRITY SOUTH AFRICA BILL, 2023

(As proposed by SAIDS for consideration, discussion, public comment and ultimately, once finalised, adoption in the National Assembly)

(English text only)

(MINISTER OF SPORT, ARTS AND CULTURE)

¹ 27, 31 January & 1, 10, 16 Feb, 14 March 2023

BILL

To promote and protect integrity in South African sport, by:

regulating and promoting the participation in sport free from the use of prohibited substances or methods which artificially enhance performance;

rendering impermissible Doping practices which are contrary to the World Anti-Doping Agency Code,² principles of fair play, and medical ethics;

ensuring South African sport is internationally compliant in its combatting of the use of listed prohibited substances and methods by Athletes;

strengthening existing anti-doping measures;

introducing other measures in order to combat unfair discrimination in sport;

assisting in combating illegal activities in sport;

securing a safe, fair and inclusive sporting environment at all levels, free from personal abuse and harassment; and

To provide for matters connected therewith.

² In 2022, the text of the World Anti-Doping Code (“the Code”) was accessible on the Internet through the website of the World Anti-Doping Agency (“WADA”) at [2021_wada_code.pdf \(wada-ama.org\)](https://www.wada-ama.org/en/about-us/anti-doping-code). The revised WADA Code came into force on 1 January 2021.

PREAMBLE

Recognising that the Constitution entrenches the Bill of Rights as a cornerstone of democracy in South Africa, enshrining the rights of all people and affirming the democratic values of human dignity, equality and freedom.

Recognising that the South African State must respect, protect, promote and fulfil the rights in the Bill of Rights.

Recognising that the rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors including those listed in section 36 of the Constitution.

Recognising the need to protect the health and well-being of participants in sport against the use of listed prohibited substances and methods (anti-doping) through legislative, regulatory and other means.

Acknowledging that the South African Government is a signatory to the UNESCO Anti-Doping Convention Policy of 2005³ ("UNESCO Policy") which seeks to promote the prevention of and the fight against Doping in sport, with a view to its elimination and serves to harmonise anti-doping legislation, regulations and rules internationally.

Recognising that when interpreting the Bill of Rights, a court, tribunal or forum must promote the values that underlie an open and democratic society based on human dignity, equality and freedom and consider international law and may consider foreign law.

AND WHEREAS

³ The "UNESCO Anti-Doping Convention" is the International Convention Against Doping In Sport, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) at Paris on 19 October 2005, 2419 UNTS 201 (entered into force 1 February 2007) (UNESCO Anti-Doping Convention) ("Unesco Policy")

The 2021 World Anti-Doping Code (“the Code”) has replaced the 2003, 2009 and 2015 World Anti-Doping Codes.

Existing anti-doping legislation is outdated and needs to be made internationally compliant in order to ensure the continued participation of South African athletes and other sports people in national and international sporting events.

There is a need for further legislation to combat threats to sport integrity by protecting and restoring the dignity of victims of unfair discrimination, personal harassment, and abuse in sport and by combating illegal activities in sport, such as match fixing, fraud and corruption.

The need exists for a body to administer these legislated sport integrity measures, including anti-doping measures, in order to:

- maintain the integrity of sport in terms of respect for rules, other competitors, fair competition, a level playing field and the value of clean sport globally and ensure that legislative and other measures are internationally compliant;

- provide a single regulatory framework and a single point of contact for athletes, sporting organisations, law enforcement bodies and other stakeholders for matters relating to sports integrity; and

- promote health, ethics, fair play, anti-doping education and the general well-being of sportspersons.

It is intended that a Public Body, to be known as Sport Integrity South Africa, will be established.

Sport Integrity South Africa will continue with the current anti-doping responsibilities of the South African Institute for Drug-Free Sport (“SAIDS”) and shall serve as the sole governmentally recognised National Anti-Doping Organisation (“NADO”) in South Africa.

The jurisdiction and authority of Sport Integrity South Africa will, over time, come to include other Sport Integrity measures and address other threats to sport integrity.

A national independent sports arbitration tribunal, to be known as the National Sport Arbitration Chamber, will be established.

The National Sport Arbitration Chamber will take over and continue with the adjudication of Anti-doping rule violations, currently being conducted by SAIDS tribunals and its Appeal Board, in terms of the existing SAIDS Rules.

The jurisdiction and authority of the National Sport Arbitration Chamber will be expanded to include the mediation and arbitration of other disputes in sport, for which new rules will need to be adopted.

BE IT THEREFORE ENACTED

By the Parliament of the Republic of South Africa, as follows:

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1. Definitions —

In this Bill:

“Accounting Officer” refers to the **“Chief Executive Officer”**;

“Act” means an Act of the Parliament of the Republic of South Africa;

“Anti-doping Division” means the Anti-doping Division of the National Sport Arbitration Chamber established to hear Doping matters;

“Anti-doping Organisation or **“ADO”** means the entity designated and responsible for the implementation of the Code by each country, region or Sporting Body;

“Athlete” bears the definition set out in the Rules which are required to incorporate the definition as set out in the Code;

“Athlete Support Person” bears the definition set out in the Anti-doping Rules which are required to incorporate the definition as set out in the Code;

“Anti-doping Rules” means the SAIDS Anti-doping Rules 2021 adopted by the SAIDS Board of Directors on 9 December 2020 until such time as new Anti-doping Rules have been adopted by the Sport Integrity South Africa Board in accordance with section 45 of this Bill. Upon adoption of the new rules “Anti-doping Rules” will mean the Rules so adopted by Sport Integrity South Africa;

“Anti-doping Rule Violation” or **“ADRV”** bears the definition set out in the Anti-doping Rules which are required to incorporate the definition as set out in the Code;

“Appeal Division” means the Appeal Division of the National Sport Arbitration Chamber;

“Board” means the Board of Directors of Sport Integrity South Africa as appointed in terms of section 11 of this Bill;

“Chief Executive Officer” or **“CEO”** means the Chief Executive Officer of Sport Integrity South Africa appointed in accordance with section 21(2) of this Bill;

“Club”⁴ means a voluntary association, organisation or professional body constituted for a particular code of sport which is affiliated to a district, local, provincial or National Federation;

“Code” means the World Anti-Doping Code that is in force, including the Prohibited List, all annexures to the Code as well as the International Standards. **“Code”** as used herein includes any amendments to the Code, to the Prohibited List, to all annexures to the Code and its International Standards which may be adopted by the World Anti-Doping Agency from time to time;

“Delegation” in relation to a duty under this Bill, includes an instruction or request to perform or to assist in performing the duty;

⁴ As defined by Sport & Recreation Bill 2022

“Department” means a national or provincial department or a national or provincial government component;

“Division/s” means any one or all of the General Division, the Anti-doping Division and / or the Appeals Division of the National Sport Arbitration Chamber as the context may determine;

“Doping” bears the definition set out in the Anti-doping Rules which are required to incorporate the definition as set out in the Code;

“Doping Control” bears the definition set out in the Anti-doping Rules which are required to incorporate the definition as set out in the Code;

“DSAC” means the Department of Sport, Arts and Culture or any other applicable national department responsible for sport in South Africa;

“Duty” means any obligation imposed on any Person under and in terms of this Bill;

“Financial Year” means a calendar year ending 31 March;

“General Division” means the General Division of the National Sport Arbitration Chamber;

“International Convention Against Doping in Sport” means:

- (a) The International Convention Against Doping in Sport, adopted by the UNESCO General Conference at Paris on 19 October 2005; or
- (b) If the Convention has been amended by any amendment that has entered into force for South Africa – the convention as so amended

“International Sports Federation” means any group of national sports bodies involved in the overseeing and co-ordination of the playing and administration of any particular sport at international level;

“International Standards” means the relevant international standards as issued by WADA from time to time which includes: the International Standard for Testing and Investigations (“**ISTI**”), the International Standard for Laboratories (“**ISL**”), the International Standard for Therapeutic Use Exemptions (“**ISTUE**”), the International Standard for the Prohibited List (“**the Prohibited List**”), the International Standard for the Protection of Privacy and Personal Information (“**ISPPPI**”), the International Standard for Code Compliance by Signatories (“**ISCCS**”), the International Standard for Education (“**ISE**”) and the International Standard for Results Management (“**ISRM**”);

“Laboratory” means a laboratory accredited by WADA in accordance with the ISL;

“Law Enforcement Agencies” means the South African Police Service contemplated in section 214 (1) of the Constitution and established in terms of section 5 of the South African Police Service Act No. 68 of 1995, as well as any recognised foreign and international law enforcement agency as contemplated in section 150 of that Act including international law enforcement organisation, court or tribunal;

“Member” means a member of the National Sport Arbitration Chamber appointed in terms of section **Error! Reference source not found.**;

“Matter” means a matter or dispute, including any Threat to Sport Integrity, to be heard by the National Sport Arbitration Chamber;

“Minister” means the Minister responsible for the national sport portfolio in South Africa;

“National Sporting Federation” for a particular sport, means:

- (a) a sporting organisation that is recognised by the International Sporting Federation that has international control over the sport as being the organisation responsible for administering the affairs of the sport, or of a substantial part or a section of the sport, in South Africa; or
- (b) whether or not there is an International Sporting Federation that has international control over the sport – a sporting organisation that is recognised

by a South African Sports Commission, DSAC or SASCOC as being responsible for administering the affairs of the sport or of a substantial part or section of the sport, in South Africa;

“National Sport Arbitration Chamber” means the entity established in terms of section 24(1);

“National Treasury” means the National Treasury established in terms of section 5 of the PFMA;

“Nominations Committee” means the committee of persons appointed by the Minister in terms of section **Error! Reference source not found.**;

“Panel” means a panel of Members constituted to hear a particular Matter in the General Division, the Anti-doping Division or the Appeal Division of the National Sport Arbitration Chamber;

“PAIA” means the *in-force* Promotion of Access to Information Act, No 2 of 2000 ;

“POPIA” means the *in-force* Protection of Personal Information Act, No. 4 of 2013 ;

“Person” means a natural person or an organisation and includes a judicial person, a non-profit company, an association with a constitution or other legal entity;

“Public Entity” means a Board, commission, company, corporation, fund or other entity which is established in terms of any Act, fully or substantially funded either from the National Revenue Fund or by way of a tax, levy other money imposed in terms of any Act and accountable to Parliament;

“PFMA” means the *in-force* Public Finance Management Act, No. 1 of 1999;

“Regulations” means any regulations issued under any Act;

“Rules” means the Anti-doping Rules, the Procedural Rules of the National Sport Arbitration Chamber and its various Divisions, the Rules of Sport Integrity South Africa and all other rules adopted in terms of section **Error! Reference source not found.**;

“SAIDS” means the South African Institute for Drug-Free Sport constituted under the SAIDS Act;

“SAIDS Act” means the South African Institute for Drug-Free Sport Act No 14 of 1997 as amended by Act no. 25 of 2006;

“SASCOC”⁵ means the South African Sports Confederation and Olympic Committee, a non-governmental sports body consisting of the following founding constituent components:-

- (a) the Olympic national federations;
- (b) the Commonwealth national federations;
- (c) School sport insofar as it is represented on SASCOC’s Board in accordance with its articles of association;
- (d) tertiary institutions sport (including Further Education and Training);
- (e) the National Federations catering for Athletes with disability;
- (f) the All Africa Games National Federations; and
- (g) other national federations.

“School” means a public school or an independent school which enrolls learners in one or more grades from grade R to grade twelve as defined in the South African Schools Act No. 84 of 1996;

“Sporting Body” means any sports organisation including a National Federation, other constituent members of SASCOC, Club or other bodies involved in the administration of sports in South Africa;

⁵ This will become Sport SA given the change being made to SASCOC’s name. References to SASCOC to be read as references to Sport SA.

“Sport Integrity” means the manifestation of the ethics and values that promote and protect the community and stakeholder confidence in sport;

“Sport Integrity South Africa” means the Public Entity established by Chapter 2 section 5;

“Threat/s to Sport Integrity” means the use of prohibited substances or prohibited methods in sport; the abuse of children and other persons in a sporting environment; the failure to protect members of Sporting Bodies and other persons in a sporting environment from bullying, intimidation, discrimination or harassment, the manipulation of sporting competitions and illegal activities in sport such as match fixing, fraud and corruption; and

“WADA” means the World Anti-Doping Agency.

CHAPTER 1

Objects

2. Object of the Bill

(1) The object of this Bill is to:

- (a) establish Sport Integrity South Africa;
- (b) prevent and address Threats to Sport Integrity;
- (c) co-ordinate a national approach to matters relating to Sport Integrity in South Africa, with a view to:
 - (i) achieving fair and honest sporting performances and outcomes;
 - (ii) promoting ethical conduct by Athletes, administrators, officials, supporters and other stakeholders within the sporting area;
 - (iii) creating a safe, fair and inclusive sporting environment at all levels;
 - (iv) promoting independent and transparent adjudication in sport;
 - (v) enhancing the reputation of sporting contests and of sport as a whole;

- (vi) holding those responsible for Threats to Sports Integrity accountable; and
 - (vii) co-operating and sharing information with Law Enforcement Agencies in advancing the objectives set out above; and
- (d) provide for the continuation of SAIDS until such time as all its staff, assets and functions can be transferred to Sport Integrity South Africa.

3. **SAIDS**

- (1) SAIDS continues to exist under its new name, that of Sport Integrity South Africa.
- (2) SAIDS has the functions, powers, and duties as specified in this Bill and subject to the provisions of this Bill, without any change in its continuity, assets, rights, liabilities, contracts.

4. **Institutions to which the Bill applies**

This Bill, to the extent indicated in the Bill and to the exclusion of any other Act which is directly applicable to the institutions below, applies to:-

- (1) SASCOG;
- (2) Departments;
- (3) Sporting Bodies;
- (4) Members and associate members of National Sporting Federations;
- (5) Schools;
- (6) SAIDS;
- (7) Sport Integrity South Africa; and
- (8) Law Enforcement Agencies.

CHAPTER 2

Establishment, Functions, Appointments & Compositions

5. **Establishment of Sport Integrity South Africa**

- (1) A Public Entity, known as Sport Integrity South Africa, is established.
- (2) SAIDS continues to exist until such time as it has transferred its entire business as a going concern to Sport Integrity South Africa.

- (3) Sport Integrity South Africa consists of the current CEO of SAIDS, the current staff members and all employees of SAIDS, who will transfer to Sport Integrity South Africa in accordance with the provisions of section 197 of the Labour Relations Act 66 of 1995.
- (4) Sport Integrity South Africa will be the continuation of SAIDS, under its new name, and subject to the provisions of this Bill, until such time as it has taken transfer of the business of SAIDS as a going concern.
- (5) The Board must disestablish SAIDS as a Public Entity within a period of no more than six (6) months from the date of the transfer its entire business as a going concern to Sport Integrity South Africa.

6. Composition of the Board

- (1) The Board shall consist of the following members:
 - (a) Chairperson;
 - (b) Vice-Chairperson; and
 - (c) a minimum of five (5) other members and no more than nine (9).

7. Objectives of Sport Integrity South Africa

- (1) The objectives of Sport Integrity South Africa are:-
 - (a) to promote principles of fair play, anti-doping, anti-corruption, safeguarding and good governance in sport in a manner consistent with protecting the health and well-being of competitors, and the rights of all persons who are engaged in the business of sport;
 - (b) to promote and ensure the adoption of a centralised Doping Control programme, which focuses on implementing intelligent testing, both 'in-competition' and 'out-of-competition', on Athletes over whom it has authority;
 - (c) to encourage the development of programmes for the education of the community in general, and the sporting community in particular, in respect to fair play, anti-doping, anti-corruption, safeguarding and good governance;
 - (d) to provide leadership in the development of a national sport ethics framework;

- (e) to ensure that Sporting Bodies comply and adhere to this national sport ethics framework including the Anti-doping Rules which conform to the Code and with all other requirements set out in the Rules; and
- (f) to ensure that Sporting Bodies comply and adhere to the Rules.

8. **Sport Integrity South Africa must act independently**

- (1) Sport Integrity South Africa must comply with the provisions of the PFMA, the Public Audit Act, the National Treasury Regulations and any other Act or Regulation to which a Public Entity is subject.
- (2) Subject to its complying with all Acts and Regulations applicable to it as a Public Entity, and except as expressly provided otherwise in this Bill or any other Act, Sport Integrity South Africa must act independently in performing its statutory functions and duties and in exercising its statutory powers under:-
 - (a) this Bill; and
 - (b) any other Act that expressly provides for the functions, powers, or duties of Sport Integrity South Africa or SAIDS.
- (3) Any failure of any Sporting Body to comply with the Rules or this Bill shall:-
 - (a) where the Sporting Body is a SASCOC member, report the matter to SASCOC; or
 - (b) where the Sporting Body is a not a SASCOC member, report the matter to the DSAC.
- (4) SASCOC or the DSAC respectively may, in turn:-
 - (a) address the issue with the Sporting Body in terms of their statutes or constitution; or
 - (b) refer any dispute to the National Sports Arbitration Chamber.
- (5) In the event SASCOC fails to act within a reasonable time to resolve the non-compliance referred to in section 8(4), the Minister reserves the right to intervene and issue a directive to resolve the non-compliance.

9. **Functions of the Board**

- (1) The functions of the Board are to:
 - (a) Discharge the mandate as outlined in this Bill;

- (b) Develop a mission, vision, and strategic plan for Sport Integrity South Africa;
- (c) To promote transparent governance through the disclosure of an annual report on financial and performance management;
- (d) Hold the CEO to account for implementation of the strategic plan and expenditure in line with an approved budget;
- (e) advise the Minister and/or SASCO on any matters related to Sport Integrity, including Anti-doping, and as captured in the objectives of Sports Integrity South Africa;
- (f) to hold, at a minimum, four (4) meetings per year;
- (g) generally take all steps necessary or desirable to achieve the purposes of this Bill; and
- (h) perform any other functions that are conferred on Sport Integrity South Africa by this Bill, the Rules or any other enactment.

10. **Duties and Powers of the Board**

- (1) The Board must appoint and remove the CEO.
- (2) The Board must make, and from the commencement of this section always have, Anti-doping Rules.
 - (a) Such Anti-doping Rules shall implement the Code and, in particular, to the extent that the Code requires specified articles of the Code to be incorporated into the Rules without substantive changes, must incorporate those articles in that manner.
- (3) The Board may also make any other Rules that are necessary or desirable to govern the practice and procedure of the Board's other functions.
- (4) Rules made under this section may authorise specified procedures or matters of detail to be determined by Sport Integrity South Africa and the National Sport Arbitration Chamber.
- (5) Rules under this section:-
 - (a) are secondary legislation; and
 - (b) come into force on the date that they are published in the Government Gazette.
- (6) The Board shall:-

- (a) adopt and implement Anti-Doping Rules and policies which conform with the Code;
- (b) adopt and implement a Doping Control programme that:-
 - (i) applies to all Athletes, with the definitions of international and national level sport to be set out in the Anti-Doping Rules;
 - (ii) adopts and implements the applicable mandatory International Standards;
 - (iii) authorises Sport Integrity South Africa, subject to PAIA and POPIA, to share information to the South African Police Service and the South African Customs Service, on any of the following:
 - (aa) the use by a person of a prohibited substance or method or illicit drugs;
 - (bb) the possession by a person of a prohibited substance or method;
 - (cc) trafficking by a person in a prohibited substance or method;
 - (dd) the administering by a person of a prohibited substance or method;
 - (ee) a person attempting to engage in any conduct referred to in paragraphs (aa) to (dd); and
 - (ff) a person aiding, abetting, covering up or being involved in any other type of complicity relating to any conduct referred to in paragraphs (aa) to (dd);
 - (vii) requires the South African Police Service and the South African Customs Service to co-operate with Sport Integrity South Africa:-
 - (aa) with any investigation pertaining to information disclosed in terms of paragraph (b)(iii);
 - (bb) with regard to any illegal activities resulting from Anti-Doping rule violations; or
 - (cc) in any other manner as may be required; and
- (c) take steps aimed at ensuring that South Africa complies with the Code, the International Convention Against Doping in Sport and any other Anti-Doping agreements or arrangements to which South Africa is a party.

11. **Appointment of the Board**

- (1) The Minister shall:
 - (a) with a view to the appointment of the non-executive Board members:
 - (i) invite through the media and by notice in the Government Gazette interested parties to propose candidates within a minimum of thirty (30) days of the publication of the said notice, for appointment as such members;
 - (ii) cause the applications of such candidates to be received by the Nominations Committee who shall within thirty (30) days after conducting an interview and vetting process after having received the applications, furnish the Minister with their recommendations of suitable candidates for appointment as non-executive members; and
 - (iii) appoint each non-executive Board member in writing.

12. **Eligibility for appointment to the Board**

- (1) The Minister must not appoint a person as a non-executive member to the Board unless the Minister is satisfied that the person possesses substantial experience or knowledge, expertise and is duly qualified in at least one of the following fields:-
 - (a) practising legal practitioner, retired judge or senior counsel with experience in sports law, arbitration, mediation or other dispute resolution;
 - (b) retired Athlete from a high-performance national or international sports background;
 - (c) law enforcement, intelligence and information-gathering;
 - (d) Anti-doping;
 - (e) university level Academia with expertise in sports science, sports management and / or research;
 - (f) corporate governance or Public Entity management;
 - (g) audit and risk or financial management; and /or
 - (h) child protection, sexual harassment and the prevention and combatting of discrimination.

- (2) When considering whether to recommend a person for appointment to the Board, the Nominations Committee must have regard to the need to ensure that the membership includes a mix of knowledge and experience in matters relevant to the functions of Sport Integrity South Africa, including knowledge of and experience in one or more of the following:
 - (a) law;
 - (b) sports medicine;
 - (c) sports participation and administration; and
 - (d) governance and organisational risk.

13. Functions of the Nominations Committee

- (1) The Nominations Committee is accountable to the Minister and is responsible for selecting leaders and adjudicators to safeguard and protect Sport Integrity in South Africa. The core functions of the Nominations Committee shall be to:
 - (a) recommend the appointment of the Board; and
 - (b) select and appoint the Registrar and the Members to serve in the National Sport Arbitration Chamber;
- (2) The candidates short-listed for the above positions must be thoroughly vetted by the Nominations Committee.
- (3) The term of office of persons serving on the Nominations Committee shall be 4 (four) years.

14. Composition and Criteria to serve on the Nominations Committee

The Nominations Committee shall be comprised of:-

- (1) Two (2) representatives nominated by the SASCOC executive committee that do not occupy any current role as a board member or serve as an employee of SASCOC or any other National Federation;
- (2) Two (2) representatives nominated by the Minister;
- (3) Three (3) independent Persons from public applications published in the media and Government Gazette selected by the Minister that must meet the following criteria:

- (a) retired judge, senior counsel and/or senior attorney with at least 20 years of practical experience in their respective fields and who are in good standing;
- (b) must possess knowledge, experience and necessary qualifications in either sports law, sport governance and arbitration.

15. Appointment of Nominations Committee

The appointment of members of the Nomination Committee shall be made by the Minister of Sport.

16. Vacancies of the Nominations Committee and the Board

- (1) A vacancy shall occur when a:
 - (a) member of the Board or the Nomination Committee's term of office expires;
 - (b) member of the Board or the Nomination Committee's dies;
 - (c) member of the Board or the Nomination Committee's resigns providing one month's written notice to the Minister; or
 - (d) member of the Board or the Nomination Committee's term has been terminated.
- (2) A vacancy shall not affect the validity of the proceedings or the decisions of the Board or Nominations Committee.
- (3) A vacancy shall be filled as soon as practicably possible by the Minister or the Nominations Committee as the case may be.

17. Remunerations and allowances for members of the Board and the Nominations Committee

The remuneration, allowances and other terms and conditions of office and service benefits of the member of the Board or the Nomination Committee shall be determined by the Regulations under the National Treasury.

18. Disclosure of interests to the Minister

Members of the Board and the Nomination Committee must give written notice to the Minister of all interests, pecuniary or otherwise, that the member has or

acquires and that conflict or could conflict with the proper performance of the member's duties.

19. Termination of Appointment of Nominations Committee and Board member

- (1) Each member of the Board shall hold office for a period of four years and shall not be allowed to sit for more than two terms.
- (2) If upon the expiration of the term of office of the Board members, the Minister has not yet appointed new members to their place, the existing members shall, for a period not exceeding 30 days after the expiry of their term, continue in office until the new Board members have been appointed to replace them.
- (3) The Minister may terminate the appointment of a Board member or Nominations Committee member:
 - (a) for misbehaviour, misconduct or bringing the reputation of Sport Integrity South Africa into disrepute;
 - (b) if he or she is unable to perform the duties of the office because of physical or mental incapacity;
 - (c) is absent from three (3) consecutive meetings without tabling a formal apology of absence; or
 - (d) if he or she fail, without reasonable excuse, to disclosure of conflict of interests.

CHAPTER 3

Organisational Structure & Administration

20. Staff of Sport Integrity South Africa

- (1) The current staff from SAIDS will be retained as staff in their roles, titles and responsibilities which shall be carried over to Sport Integrity South Africa unless otherwise indicated.
- (2) The Board shall appoint the CEO and the CEO shall be responsible for the appointment of his or her staff employed.
- (3) The CEO must determine a staff organisational structure necessary for the work of Sport Integrity South Africa.

- (4) Persons appointed on a contract to perform specific tasks, must carry out their duties under the control and directions of their reporting superior in accordance with their contract.

21. **Responsibilities of the CEO**

- (1) The CEO is the executive head and accounting officer as outlined in the PFMA.
- (2) He or she must perform the functions of his or her office in accordance with the PFMA.
- (3) The CEO is responsible for the day to day operational management of the administration, which shall include but not be limited to:-
 - (a) translating the strategic plan into an operational plan with annual performance indicators;
 - (b) recruiting, training and performance evaluation of staff;
 - (c) assigning operational tasks to staff; and
 - (d) managing expenditure within an approved budget.
- (3) The CEO must carry out the decisions of the Board and must perform such duties and as delegated.
- (4) The CEO must report to the Board on aspects of management and exercise responsibilities, duties and powers in such manner as the Board requires.
- (5) The CEO is in overall control of and accountable for his or her administration.
- (6) The CEO must provide the Minister with a quarterly report.
- (7) The CEO must provide Parliament with an annual report.

22. **Acting CEO**

Whenever the CEO is, for any reason, absent or unable to exercise the responsibilities, duties and powers of office, or whenever there is a vacancy in the office of the CEO, the Board must appoint another staff member as acting CEO for a period not exceeding six months.

23. **Expenditure and Financial Accountability**

The CEO is the Accounting Officer for Sport Integrity South Africa as outlined in the PFMA.

CHAPTER 4

PART 1

National Sport Arbitration Chamber

24. Objectives and Dispositions

- (1) The object of establishing a National Sport Arbitration Chamber is to provide an independent, effective, efficient, transparent and specialist tribunal for the fair hearing and resolution of disputes in sport.
- (2) The purpose is to resolve sports-related disputes through arbitration or mediation and ensure the independence of determinations and/or awards.
- (3) The National Sport Arbitration Chamber comprises of an General Division, an Anti-doping Division and an Appeals Division.
- (4) The National Sport Arbitration Chamber has jurisdiction:-
 - (a) over disputes where either party is a Sporting Body; or
 - (b) in any instance where jurisdiction is granted in terms of any other Act, Regulation, or the constituent documents of any Sporting Body or otherwise by agreement between the parties to the dispute.
- (5) The National Sport Arbitration Chamber maintains one or more lists of Members and provides for the resolution of sports-related disputes through mediation or arbitration conducted by Panels composed of one or three arbitrators. The mediation and arbitration procedures are governed by the Procedural Rules of the National Sport Arbitration Chamber.

25. Outline of the National Sport Arbitration Chamber

- (1) This Bill establishes the National Sport Arbitration Chamber that shall be managed by the Registrar. The Registrar is appointed by the Nominations Committee. The Registrar shall manage the institutional administration and the operation of the National Sports Arbitration Chamber independently.
- (2) If an application for the arbitration of a dispute is made, the appointed panel is to arbitrate the dispute and to make a written determination in relation to the dispute.
- (3) In the General Division, persons may also apply to the Tribunal for mediation, conciliation, or case appraisal of certain disputes prior to arbitration proceedings.

- (4) A party to an arbitration or certain other persons or bodies may appeal to the Appeals Division from a determination made in an arbitration conducted in the Anti-doping Division or General Division.
- (5) In certain circumstances a person or body may appeal to the Appeals Division from a sporting body's decision or a sporting tribunal's decision in relation to certain disputes, should their constituent document allow for such.

26. Mission of the National Sports Arbitration Chamber

- (1) The National Sports Arbitration Chamber is comprised of Members which sit in Panels which have the responsibility of resolving disputes arising in the context of sport by arbitration and/or mediation pursuant to the Procedural Rules of the National Sport Arbitration Chamber.
- (2) The National Sports Arbitration Chamber provides the necessary infrastructure, effects the constitution of Panels and oversees the independent conduct of the proceedings.
- (3) The responsibilities of the Panels are *inter alia*:-
 - (a) to resolve the disputes referred to them through ordinary arbitration;
 - (b) to resolve Anti-doping related matters as a first instance authority or as a sole instance;
 - (c) to resolve appeals from decisions awarded in 26(3)(a) and / or 26(3)(b); and
 - (d) to resolve the disputes that are referred to them after any attempts at mediation have failed.

27. Continuation of SAIDS Independent Doping Hearing Panel and Anti-doping Appeal Board

- (1) All Independent Doping Hearing Panels and Appeal Boards of SAIDS as constituted at the time of this Bill coming into effect, continue to exist and perform their functions.
- (2) All decisions rendered by the Independent Doping Hearing Panels and SAIDS Appeals Board shall remain valid and binding.

- (3) All members of the Independent Doping Hearing Panels and SAIDS Appeals Board continue as members until such time as they or new Members have been appointed to the National Sport Arbitration Chamber.
- (5) Until such time as the Bill has commenced and the National Sport Arbitration Chamber has been established, the Independent Doping Hearing Panels and SAIDS Appeals Board established under section 17 of the SAIDS Act will continue to have jurisdiction over Anti-doping matters.
- (6) Once the National Sport Arbitration Chamber is established, it will continue with the functions, powers, and duties specified in this Bill, but otherwise without any change in the continuity, assets, rights, liabilities, contracts, or members of the Independent Doping Hearing Panels and SAIDS Appeals Board, save as is expressly provided for herein.

28. Membership of National Sport Arbitration Chamber

- (1) A Member is to be selected and appointed by the Nominations Committee on behalf of the Minister of Sport in terms of a written contract, the content of which shall be determined in the Rules.
- (2) The General Division and Anti-doping Division of the National Sport Arbitration Chamber consists of at least 30, but no more than 60, Members.
- (3) The Appeals Division of the National Sport Arbitration Chamber consists of at least 7, but no more than 15 Members.

29. Eligibility of a member to serve as a Chairperson of a Panel:

- (1) The chairperson must have significant understanding, interest, or experience in sport and must be:-
 - (a) a retired judicial officer who has held office in a South African court or statutory tribunal; or
 - (b) a senior advocate or attorney of the High Court of South Africa who has been in practice for no less than 10 years and who is in good standing and repute within the legal profession.
- (2) The chairperson of a hearing shall be appointed by the Registrar.

30. Eligibility for Appointment as a Member at of a Panel

- (1) Where a Panel consists of more than 1 (one) Member, other than the Chairperson, at least 2 (two) Members on any Panel of the National Sport Arbitration Chamber must:-
 - (a) be advocates or attorneys of the High Court of South Africa who have been in practice for no less than 7 years and / or have substantial experience in legal issues affecting sport;
 - (b) have substantial senior executive experience in sports governance or administration, ethics, dispute resolution, investigation forensics into corruption; or
 - (c) have professional or academic experience on sports science, anti-doping, sports medicine or pharmacology with a minimum of 15 years experience in their field of speciality.

31. Term of office of Members

- (1) Except as provided in section 27, a Member holds office for a term of 4 years.
- (2) A Member may:-
 - (a) hold that office concurrently with any other office held by him or her; and
 - (b) be reappointed for a further two (2) terms of office.
- (3) If the term for which a Member was appointed expires, that Member, unless sooner vacating or removed from office under section 35, may continue to hold office, by virtue of the appointment for the term that has expired, until:-
 - (a) that Member is reappointed; or
 - (b) a successor to that member is appointed.

32. Remuneration, allowances, and expenses of Members

- (1) A Member is entitled to receive remuneration for services as a member at a rate and of a kind determined by Sport Integrity South Africa.
- (2) A Member may be paid out of public money for reimbursement of traveling allowances and travelling expenses in accordance with the standard operating procedures of Sport Integrity South Africa.

33. Disclosure of Interests to the Registrar

- (1) A Member must give written notice to the Registrar of all interests, pecuniary or otherwise, that the Member has or acquires and that conflict or could conflict with the proper performance of the member's duties.
- (2) The Rules may:
 - (a) prescribe how and when an interest must be disclosed; and
 - (b) prescribe the consequence of disclosing an interest (for example, that the member must not deal with a particular dispute before the National Sport Arbitration Chamber).

34. Resignation of a Member's Appointment

- (1) A Member may resign by giving one (1) month's written notice to the Registrar.
- (2) Should there be a pending case or a pending decision of a matter upon which the Member serves, the resignation will only be accepted after the conclusion of the case or when the matter has been resolved.

35. Termination of appointment of the Member

- (1) A Member is taken to have vacated his or her office if he or she:-
 - (a) dies;
 - (b) is declared insolvent under the Insolvency Act 24 of 1936; or
 - (c) is found guilty of any crime.
- (2) A Member may, at any time, be removed from office by the Board, after consultation with the Registrar for:-
 - (a) inability to perform the duties of office;
 - (b) neglect of duty;
 - (c) misconduct; or
 - (d) failure, without reasonable excuse, to disclose all interests pecuniary or otherwise, that he or she has or acquires and that conflict or could conflict with the proper performance of the Member's duties;proved to the satisfaction of the Board.
- (3) The powers of the National Sport Arbitration Chamber and / or its Members are not affected by any vacancy in its membership.

36. **General Duties and Functions of Members**

- (1) A Member must discharge their duties honestly, in good faith and for a proper purpose.
- (2) A Member must not improperly use his or her position to gain or seek to gain, a benefit or an advantage for the member or any other person.
- (3) A Member who obtains information must not improperly use the information to gain, or seek to gain, a benefit or an advantage for the member or any other person or cause detriment to the National Sport Arbitration Chamber, Sport Integrity South Africa or any other Person.
- (4) An appointed Panel of the National Sport Arbitration Chamber may terminate the arbitration if:
 - (a) the parties to the arbitration agree to the termination;
 - (b) the Panel is satisfied that the application for arbitration was vexatious;
 - (c) the Panel is satisfied that the subject matter of the arbitration is trivial, misconceived or lacking in substance; or
 - (d) in the circumstances prescribed by the Procedural Rules of the National Sport Arbitration Chamber for the purposes of this paragraph.
- (5) The functions of the Members are to:-
 - (a) do all things necessary to comply with and implement the Rules;
 - (b) subject to any other enactment, determine sports-related disputes if:-
 - (i) all parties to the dispute agree in writing to refer the dispute to the National Sport Arbitration Chamber; and
 - (ii) the Panel appointed to the Matter agrees, at its sole discretion, to hear and determine the dispute;
 - (c) subject to any other enactment, hear an appeal against a decision of a Sporting Body if the constitution, Rules, or Regulations of that body specifically provide for an appeal to the National Sport Arbitration Chamber in relation to that Matter;
 - (d) consider any matter referred to it by the Board;
 - (e) generally take all steps necessary or desirable to achieve the purposes of this Act;
 - (f) exercise and perform any other functions, powers, and duties that:-
 - (i) are conferred or imposed on the members of the National Sport Arbitration Chamber by this or any other enactment; or

- (ii) are conferred or imposed on the National Sport Arbitration Chamber by the Rules.

37. Procedure of National Sport Arbitration Chamber

- (1) Except as provided in this Bill, the National Sport Arbitration Chamber may determine its own practices and procedures for performing the functions under section 36 (a) to (f).
- (2) However, in determining its own practices and procedures, the National Sport Arbitration Chamber must ensure that it complies with and implements the Rules, to the extent that the Rules are applicable and, in particular, the Procedural Rules of the National Sport Arbitration Chamber.

PART 2 Anti-Doping Division

38. Recognition of the Anti-Doping Division

Once SAIDS has transferred its business to Sport Integrity South Africa, the Anti-doping Division of the National Sport Arbitration Chamber shall be recognised as the body with jurisdiction for all matters where:

- (1) an Athlete or Athlete Support Person is bound automatically by the Anti-doping Rules of and/or Anti-doping Programs as amended and enforced from time to time;
- (2) a Sporting Body falls within the jurisdiction of the Anti-doping Rules;
- (3) a Sporting Body who is not a member of SASCOC subscribes to the jurisdiction of the Anti-Doping Rules by agreement and permits disputes of a particular kind to be heard in the Anti-doping Division; and
- (4) all ADRVs and non-compliance matters are referred directly to the Anti-Doping Division from the CEO of Sport Integrity South Africa.

PART 3 General Division

Part 3A: Applications for the arbitration of disputes

39. Disputes between a Person and a Sporting Body

- (1) A Person or a Sporting Body may apply to the National Sports Arbitration Chamber for the arbitration of a dispute if:
 - (a) a dispute arises between a Person bound by one or more constituent documents by which a Sporting Body is constituted, or according to which a Sporting Body operates and either:
 - (i) one or more of those documents permit the dispute to be heard in the General Division of the National Sports Arbitration Chamber; or
 - (ii) none of those documents permits the dispute to be heard in the General Division of the National Sports Arbitration Chamber, but the Person and the Sporting Body agree in writing to refer the dispute to the General Division of the National Sports Arbitration Chamber;
 - and
 - (b) if:
 - (i) the dispute is of a kind prescribed by the Rules for the purposes of this section; or
 - (ii) the dispute is approved by the Registrar, in writing, as a dispute to which this section applies.

40. **Disputes between 2 (two) or more Persons**

- (1) If a dispute arises between 2 (two) or more Persons bound by one or more constituent documents by which a Sporting Body is constituted or according to which a Sporting Body operates and either:
 - (a) one or more of those documents permit the dispute to be heard in the General Division of the National Sports Arbitration Chamber; or
 - (b) if none of those documents permits the dispute to be heard in the General Division, those Persons agree in writing to refer the dispute to the General Division; and
- (2) either:
 - (a) the dispute is of a kind prescribed by the Rules for the purposes of this subparagraph; or
 - (b) the dispute is approved by the Registrar, in writing, as a dispute to which this section applies;

then either Person may apply to the National Sports Arbitration Chamber for the arbitration of the dispute.

Part 3B: Applications for Alternative Dispute Resolution Processes

41. Disputes between a Person and a Sporting Body

(1) If a dispute arises between a Person bound by one or more constituent documents by which a Sporting Body is constituted or according to which a Sporting Body operates and the Person and the Sporting Body agree in writing to refer the dispute to the General Division of the National Sports Arbitration Chamber; and

either:-

- (a) the dispute is of a kind prescribed by the Rules for the purposes of this subparagraph; or
- (b) the dispute is approved by the Registrar, in writing as a dispute to which this section applies;

then the Person or the Sporting Body may apply to the General Division of the National Sports Arbitration Chamber for mediation, conciliation or a case appraisal of the dispute.

42. Disputes between 2 (two) or more Persons

(1) If a dispute arises between 2 (two) or more Persons bound by one or more constituent documents by which a Sporting Body is constituted or according to which a Sporting Body operates and those persons agree in writing to refer the dispute to the General Division; and

either:-

- (a) the dispute is of a kind prescribed by the rules for the purposes of this subparagraph; or
- (b) the dispute is approved by the Registrar, in writing, as a dispute to which this section applies;

then the Sporting Body or either Person may apply to the General Division of the National Sports Arbitration Chamber for mediation, conciliation, or case appraisal of the dispute.

43. Evidence not admissible

Evidence of anything said, or any act done, in a mediation, conciliation or case appraisal of a dispute before the National Sport Arbitration Chamber is not admissible in any court or any arbitration of the dispute unless agreed to by all the parties to the subsequent proceedings.

PART 4**Appeals Division****44. Constituency**

- (1) There is hereby established an independent appeal division as part of the National Sport Arbitration Chamber which shall be known as the Appeals Division.
- (2) The Nominations Committee selects and appoints at least 7 (seven) members to the Appeals Division.
- (3) The number of members of the Appeals Division appointed to a Panel to hear an appeal matter shall consist of an uneven number.

45. Function and objectives

- (1) The Appeals Division constitutes members appointed by the Nominations Committee, whose responsibility it is to resolve appeals:-
 - (a) from the General Division of the National Sport Arbitration Chamber;
 - (b) from the Anti-doping Division of the National Sport Arbitration Chamber;
 - (c) as otherwise provided for in any Act, rules, Regulation, or constituent documents of a Sporting Body; or
 - (d) by agreement between the parties.
- (2) The Registrar shall appoint the members to serve on the Panel and manage all other functions in relation to the efficient running of the proceedings pursuant to Rules created.
- (3) An appeal against the decision of a Sporting Body may be filed with the Registrar if:
 - a) the enabling Act, rules or Regulations of the said body so provide, and the appellant has exhausted all other internal legal remedies available

to it prior to the appeal, in accordance with the enabling Act, Regulations or rules of that body; or

- b) the parties concluded an agreement as envisaged in section 45(1)(d)
- (4) An appeal may be filed with the Registrar against an award rendered by a Panel of the General Division or the Anti-doping Division of the National Sport Arbitration Chamber acting as a first instance tribunal if such appeal has been expressly provided by the Rules.
- (5) The determination or award made by the Appeal Division shall take effect on the date specified in the determination or award.

46. Time Limits

The period for lodging an appeal from a decision of the General Division, the Anti-doping Division, or any other decision wherein a right of appeal to the Appeals Division exists shall be specified in the Rules.

PART 5

General

47. Evidence in proceedings before the National Sport Arbitration Chamber

- (1) The National Sport Arbitration Chamber may receive as evidence any statement, document, information, or matter that may, in its opinion, assist it to deal effectively with the matters before it, whether or not the same would be admissible in a court of law.
- (2) The National Sport Arbitration Chamber may take evidence on oath, and for that purpose any member or officer of the relevant Panel may administer an oath.
- (3) The National Sport Arbitration Chamber may permit a person appearing as a witness before it to give evidence by tendering a written statement and, if the relevant Panel deems fit, verifying it by oath.
- (4) Subject to subsections (1) to (3), the Law of Evidence Amendment Act 45 of 1988 applies to matters before the National Sport Arbitration Chamber in the same manner as if it were a court within the meaning of that Act.

48. Witness summons

- (1) The National Sport Arbitration Chamber may of its own motion, or on the application of any party to the proceedings, issue a witness summons to any person requiring that person to attend before the National Sport Arbitration Chamber to give evidence at the hearing of the proceedings.
- (2) The witness summons must state:-
 - (a) the place where the person is to attend;
 - (b) the date and time when the person is to attend;
 - (c) the papers, documents, records, or things that that person is required to bring and produce to the National Sport Arbitration Chamber;
 - (d) the entitlement to be tendered or paid a sum in respect of allowances and travelling expenses; and
 - (e) the penalty for failing to attend.
- (3) The power to issue a witness summons may be exercised by the National Sport Arbitration Chamber or the Chairperson, or by any officer of the National Sport Arbitration Chamber purporting to act by the direction or with the authority of the National Sport Arbitration Chamber or the Chairperson.

49. Service of summons

- (1) A witness summons may be served:-
 - (a) by delivering it personally to the person summoned; or
 - (b) by posting it by registered post addressed to the person summoned at that person's usual place of residence.
- (2) The summons must:-
 - (a) if it is served under subsection (1)(a), be served at least 24 hours before the attendance of the witness is required; or
 - (b) if it is served under subsection (1)(b), be served at least 10 days before the date on which the attendance of the witness is required.
- (3) If the summons is posted by registered post, it is deemed for the purposes of subsection (2)(b) to have been served at the time when the letter would be delivered in the ordinary course of post.

50. Witnesses' allowances

- (1) Every witness attending before the National Sport Arbitration Chamber to give evidence pursuant to a summons is entitled to be paid witnesses' fees, allowances, and travelling expenses according to the scales for the time being prescribed by Regulations made under the Criminal Procedure Act 51 of 1977, and those Regulations apply accordingly.
- (2) On each occasion on which the National Sport Arbitration Chamber issues a summons under section 48, the National Sport Arbitration Chamber, or the person exercising the power of the National Sport Arbitration Chamber under subsection (3) of that section, must fix an amount that, on the service of the summons, or at some other reasonable time before the date on which the witness is required to attend, must be paid or tendered to the witness.
- (3) The amount fixed under subsection (2) must be the estimated amount of the allowances and travelling expenses to which, in the opinion of the National Sport Arbitration Chamber, the witness will be entitled according to the prescribed scales if the witness attends at the time and place specified in the summons.
- (4) If a party to the proceedings has requested the issue of the witness summons, then the fees, allowances, and travelling expenses payable to the witness must be paid by that party.
- (5) If the National Sport Arbitration Chamber has of its own motion issued the witness summons, the National Sport Arbitration Chamber may direct that the amount of those fees, allowances, and travelling expenses:-
 - (a) form part of the costs of the proceedings; or
 - (b) be paid from money appropriated by Parliament for the purpose.

51. Non-attendance or refusal to co-operate

- (1) A person commits an offence who, after being summoned to attend to give evidence before the National Sport Arbitration Chamber or to produce to the National Sport Arbitration Chamber any papers, documents, records, or things, without sufficient cause:-
 - (a) fails to attend in accordance with the summons;
 - (b) refuses to be sworn in or to give evidence, or, having been sworn in, refuses to answer any question that the person is lawfully required by

the National Sport Arbitration Chamber or any member of it to answer concerning the proceedings; or

- (c) fails to produce that paper, document, record, or thing.
- (2) Every person who commits an offence against subsection (1) is liable on conviction to a fine as set out in the Rules.
- (3) No person summoned to attend before the National Sport Arbitration Chamber may be convicted of an offence in subsection (1) unless travelling expenses were tendered or paid to that person in accordance with section 50.

52. **Contempt of National Sport Arbitration Chamber**

- (1) Any person who—
 - (a) threatens, intimidates, or intentionally insults the National Sport Arbitration Chamber or any member of it or any special adviser to the National Sport Arbitration Chamber, during a sitting of the National Sport Arbitration Chamber, or in connection with any sitting;
 - (b) intentionally interrupts the proceedings of the National Sport Arbitration Chamber or otherwise misbehaves while the National Sport Arbitration Chamber is sitting; or
 - (c) intentionally and without lawful excuse disobeys an order or direction of a member of the National Sport Arbitration Chamber in the course of any proceedings before the National Sport Arbitration Chamber;commits an offence and is liable on conviction to a fine as set out in the Rules.
- (2) A member of the National Sport Arbitration Chamber may order the exclusion from a sitting of the National Sport Arbitration Chamber of any person whose behaviour, in that member's opinion, constitutes an offence against subsection (1), whether or not that person is charged with the offence; and any member of the police may take the steps reasonably necessary to enforce that exclusion.

53. Costs

- (1) The National Sport Arbitration Chamber and/or the appointed Panel to a hearing, in any proceedings before it under this Bill, may make any order as to costs as it thinks fit.
- (2) An order as to costs may be filed in the Magistrates' Court and may be enforced as a judgment of that court should the party liable for costs fail or refuse to make payment.

54. Members of National Sport Arbitration Chamber not personally liable

No member of the National Sport Arbitration Chamber is personally liable for any act done or omitted to be done by the National Sport Arbitration Chamber or any member of the National Sport Arbitration Chamber in good faith in pursuance or intended pursuance of the functions, duties, powers, or authority of the National Sport Arbitration Chamber.

CHAPTER 5**General Provisions****55. Rules, Regulations and Policies**

- (1) The CEO may, after consultation with the Minister, make or amend any rules, regulations and policies pertaining to any matter to facilitate the application and enforcement of this Bill.
- (2) The CEO must, after consultation with Sporting Bodies, submit any rules, regulations or policies to the Board for tabling and formal adoption by the Board and for implementation and enforcement.

56. Delegation of Board's powers, functions and duties

- (1) The Board may delegate, in writing, any of its functions, other than the functions listed below, to any member of the Board, the CEO or any committee established by the Board.
- (2) The functions that the Board may not delegate are:-
 - (a) appointing and removing the CEO;
 - (b) appointing and removing the CFO; and
 - (c) depositing or investing any surplus money.

- (3) The Board may attach conditions to a delegation and may amend or revoke a delegation at any time.
- (4) A function delegated to the CEO may be performed by any staff member of Sport Integrity South Africa authorised by the CEO, unless the terms of that delegation prevent the CEO from doing so.
- (5) The Board may vary or set aside any decision made by a person acting in terms of any delegation made in terms of subsection (1).
- (6) The Board, by delegating any function, is not divested of any of its powers, nor is it relieved of any function or duty that it may have delegated. This rule also applies if the CEO sub-delegates the performance of a function in terms of subsection (4).

57. Incorporation by reference

- (1) The following written material may be incorporated by reference in the Rules:
 - (a) The Code;
 - (b) International Standards;
 - (c) WADA's Models of Best Practice; and
 - (d) Other standards, requirements, or recommended practices of WADA.
- (2) Material may be incorporated by reference in the Rules:-
 - (a) in whole or in part; and
 - (b) with the modifications, additions, or variations as specified in the Rules.
- (3) Material incorporated by reference in the Rules has effect as part of the Rules.

58. Effect of amendments to, or replacement of, material incorporated by reference in Rules

An amendment to or replacement of material incorporated by reference in the Rules has effect as part of the Rules only if the amended or replaced material expressly states that the particular amendment or replacement has that effect.

59. Proof of material incorporated by reference

- (1) A copy of material incorporated by reference in the Rules, including any amendment to, or replacement of, the material must be:-
 - (a) certified as a correct copy of the material by the CEO; and
 - (b) retained by the CEO.
- (2) The production in proceedings of a certified copy of the material is, in the absence of evidence to the contrary, sufficient evidence of the incorporation of the material in the Rules.

60. Conflict Provisions

If any conflict, relating to the matters dealt with in this Bill, arises between this Bill and the provisions of any other law save the Constitution, the PFMA, POPIA and PAIA or any Act expressly amending this Bill, the provisions of this Bill (once enacted) will prevail.

61. Privacy of Athletes

In the performance of its functions and the exercise of its powers under this Bill, Sport Integrity South Africa must, develop appropriate procedures to:-

- (1) reflect the needs of Athletes who are under the age of 18 years of age;
- (2) protect Athletes' right to privacy; and
- (3) comply with POPIA.

62. Sharing of evidence and information by Customs, police, and others

A member of the South African Police Services, a Customs officer, or any other person may provide evidence or information to Sport Integrity South Africa if that person believes that that evidence or information may assist Sport Integrity South Africa in complying with or implementing the Rules or performing its functions and duties under this Bill.

CHAPTER 6**Transitional provisions, repeal, revocations, and consequential amendments****63. Matters commenced under SAIDS Act**

All matters to which the SAIDS Act applied that have been commenced before this Bill comes into operation are to be continued and completed as if this Bill had not been enacted.

64. **Transitional measures**

As from the date of repeal of the SAIDS Act:

- (1) The person who was the CEO of SAIDS immediately before the repeal of the SAIDS Act remains the CEO for the unexpired part of the term for which that person was appointed and automatically becomes the CEO of Sport Integrity South Africa;
- (2) A person who was an employee of SAIDS before the repeal of the SAIDS Act becomes an employee of Sport Integrity South Africa;
- (3) All the funds, assets, liabilities, rights and obligations of the office of SAIDS, become the funds, assets, liabilities, rights and obligations of Sport Integrity South Africa;
- (4) The repeal of the SAIDS Act does not affect the conditions of employment of a person referred to in subsection (1) or (2), including any accumulated pension, retirement annuity, leave or other benefits to which such a person was entitled immediately before the repeal of that legislation and such a person remains subject to the same conditions of employment applicable to that person immediately before the repeal of the mentioned legislation without a break in those conditions of employment.

65. **Offences and Penalties**

- (1) A Person is guilty of an offence if –
 - (a) that Person hinders or interferes with the CEO or any person exercising a power of carrying out a duty in terms of this Bill ;
 - (b) that Person refuses or fails to comply with a request of the CEO or the National Sport Arbitration Chamber or a particular Panel thereof;
 - (c) that Person furnishes false or misleading information when complying with a request of the CEO or the National Sport Arbitration Chamber or a particular Panel thereof or anything related to an investigation or enquiry of the Panel;

- (d) that Person is an Athlete and fails to comply with a request by Sport Integrity South Africa for the Athlete to provide a sample by:-
 - (i) refusing or failing to submit to sample collection as required by the Rules;
 - (ii) failing to complete or sign any form required by the Rules to be completed or signed by the Athlete; or
 - (iii) after providing the sample, failing to comply with the required additional sample collection requirements.

66. Repeal of laws

The following Acts of Parliament are hereby repealed:

- (1) South African Institute for Drug-free Sport Act 14 of 1997 is repealed in its entirety.

67. Short title and commencement

This Act is called the Sports Integrity South Africa Act, 2023 and comes into operation on [TBA].

EXPLANATORY SUMMARY TO THE SPORTS INTEGRITY BILL

1. Much of that which explains the need for the Bill is set out in the Preamble and Introductory parts of the Bill.
2. South Africa is a signatory to the International Convention Against Doping in Sport, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) at Paris on 19 October 2005, 2419 UNTS 201 (entered into force 1 February 2007) (the UNESCO Anti-Doping Convention, also referred to in the Introduction as “the UNESCO Convention”).
3. Signatories to the International Convention Against Doping in Sport are required to comply with the World Anti-doping Code and its revisions.
4. The revised Code of the World Anti-Doping Agency 2021 (“the Code”) came into effect on 1 January 2021.

5. In terms thereof countries, including South Africa, and their sporting organisations are required to comply with three steps in order to be fully compliant with the Code - acceptance, implementation, and enforcement.
6. Code acceptance means that a Signatory agrees to the principles of the Code and agrees to implement and comply with the Code.
7. Once a Signatory accepts the Code, it must then implement it. The implementation of the Code is the process that a Signatory goes through to amend its Rules and policies so that all mandatory articles and principles of the Code are included.
8. Finally, enforcement refers to the Signatory actually enforcing its amended Rules and policies in accordance with the Code.
9. In recent years, WADA has put a growing emphasis on ensuring that Code Signatories have quality Anti-doping programs in place and, in keeping with strong demand from stakeholders, that their compliance be monitored rigorously.
10. To do so, in 2016, WADA initiated development of an ISO9001 means 2015 certified Code Compliance Monitoring Program that was expanded in 2017. The Program, which represented the most thorough review of Anti-Doping Rules and programs that has ever taken place, aims to reinforce Athlete and public confidence in the standard of ADOs' work worldwide.
11. On 1 April 2018, the International Standard for Code Compliance by Signatories ("ISCCS") entered into force, which further reinforced WADA's Code Compliance Monitoring Program by creating a clear framework for WADA's compliance activities and outlining the responsibilities and consequences applicable to Signatories.
12. In order to ensure that South Africa and South African sport remains compliant it needs to comply with the latest revision of the Code, the 2021 revision.

13. Ongoing participation in international sport is dependent on such compliance with the Code.
14. To date, approximately 700 sport organisations throughout the world have accepted the Code.
15. These organisations include the International Olympic Committee (IOC), the International Paralympic Committee (IPC), International Federations (IFs) (including all IOC-recognized IFs), National Olympic and Paralympic Committees, as well as National and Regional Anti-Doping Organisations (NADOs and RADOs).
16. South Africa also needs to do so as a matter of urgency.
17. The SAIDS Act 14 of 1997 (as amended in 2006) addressed the obligations of the government to comply with the International Convention Against Doping in Sport and the earlier version of the Code. SAIDS was the statutory body entrusted with this responsibility.
18. The primary purpose of the Bill is to ensure compliance with the Code in order to ensure that South African sport remains compliant and eligible for international participation. It is envisaged that the existing SAIDS structures will continue in order to achieve this under the Bill.
19. The SAIDS Act is to be repealed and replaced with the Sport Integrity South Africa Act.
20. The purpose of the Bill is therefore to also provide for a new Public Entity, Sports Integrity South Africa, which will continue with the Anti-doping functions and responsibilities of SAIDS but will expand into combatting broader threats to sport integrity once the necessary structures and Rules have been put into place.

21. The need to address other threats to sport, identified in the definition section under “Threats to Sport Integrity”, is internationally recognised.
22. South Africa is lagging behind in this regard too.
23. The further purpose of the Bill is to address these threats by *inter alia* providing for a National Sport Tribunal, whose jurisdiction over sporting disputes can in due course be increased to go further than deciding Anti-Doping Rule Violations.

TEMPLATE FOR SUBMISSIONS OF INPUT & COMMENTARY

No.	Chapter	Section	Input	Commentary <i>(reasons for edit, deletion or additional clause or listed concern)</i>	Name of Constituency represented in Sport, Union or Individual	SAIDS feedback
1.						
2.						
3.						
4.						