

GENERAL EXPLANATORY NOTE:

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 11 April 2007.)

ACT

To amend the South African Institute for Drug-Free Sport Act, 1997, so as to delete certain definitions and to insert, amend or substitute other; to provide for the appointment of the staff of the Institute; to align the Act with the Public Finance Management Act; to provide for the amendment of the powers of the Institute; to provide for the adoption of matters contained in the World Anti-Doping Code; to establish a doping control programme in compliance with the World Anti-Doping Code; to provide for the testing of athletes for doping by sports administration bodies; to provide for punitive measures against national sports federations not complying with the regulations contained in this Act; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 14 of 1997

1. Section 1 of the South African Institute for Drug-Free Sport Act, 1997 (hereinafter referred to as the principal Act) is hereby amended-

(a) by the insertion of the following definitions before the definition of "Appeal Board" of the following definitions:

"adverse analytical finding" means are ort from a WADA-accredited laboratory that identifies in a sample, the presence of a prohibited substance or its metabolites or markers (including elevated quantities of endogenous substances) or evidence of the use of a prohibited method; 10
'anti-doping rule violation' means anyone of the following:
(i) the presence of a prohibited substance or its metabolites or markers in an athlete's bodily specimen;
(ii) the use or attempted use of a prohibited substance or method; 15
(iii) the refusal or failure, without compelling justification, to submit to sample collection after notification as authorised in terms of applicable anti-doping rules or otherwise evading sample collection;

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DINTLHA TSE AKARETSANG TLHALOSO:

Mantswe a ngotsweng ka botenya ka hare ho masakana a kgutlonne a bontsha ntlha tse siiweng tsa molao o teng.

Mantswe a sehetsweng mola o sa kgaoheng a bontsha ntlha tse kentsweng molaong o teng.

(English text signed by the President.)
(Assented to 11 April 2007.)

MOLAO

Ho fetola Molao wa Institjhute ya Afrika Borwa wa Dipapadi tseo ho tsona ho sa sebedisweng Dithethefatsi wa 1997, e le ho hlakola ditlhaloso tse ding tse itseng le ho kenyeletsa, ho fetola kapa ho kenya tse ding sebakeng sa tse ding; ho etsa monyetla wa hore ho fumanwe moifo wa basebetsi ba Institjhute; ho etsa hore Molao o kgeme le Molao wa Tsamaiso ya Ditjhelete tsa Setjhaba; ho etsa monyetla wa ho fetolwa ha matla a Institjhute; ho lokisetša kananelo ya dintlha tse fuperweng ke Khoutu ya Lefatshe e Iwantshang Tshebediso ya Dithethefatsi; le ho theha lenaneo la taolo ya tshebediso ya dithethefatsi ho latela Khoutu ya Lefatshe ya thibelo ya Tshebediso ya Dithethefatsi; ho etsa monyetla wa mehato ya dikotlo tse lebisitsweng ho difedereishene tsa dipapadi tsa naha tse sa kgemeng le melawana e fuperweng ke Molao ona; le ho lokisetša ditaba tse amanang le mona.

HO latela ka moo molao ona o entsweng ka teng ke Palamente ya Rephabolikiya Afrika Borwa, ka tsela e latelang:-

Ho fetolwa ha karolo ya 1 ya Molao wa 14 wa selemo sa 1997

1. Mona ho fetolwa karolo ya 1 ya Molao wa 1997 wa Institjhute ya Afrika Borwa wa Dipapadi tseo ho tsona ho sa sebedisweng Dithethefatsi (oo ka morao ho mona o tla bitswa Molao wa sehlooho):- 5

(a) ka ho kenngwa ha ditlhaloso tse latelang pele ho tlhaloso ya "Lekgotla la Boipiletso" tlhalosong tse latelang:

“ humano tse sa esen ditheohelan tsa tlho hollo' di bolela tlaleho e tswang laboratoring e nang le mangolo a tshwanetseng a WADA e bontshang boteng ba sesebediswa se thibetsweng sampoleng kapa dikarolo tse fumanwang mading kapa matshwao (ho kenyeletswa keketseho ya palo e phahameng ya masalla a disebediswa tse fumanehang mading) kapa bopaki ba tshebediso ya mokgwa o thibetsweng; 10
'tlole ya molao wa tshebediso e sa dumellwang ya dithethefatsi' e bolela e nngwe kapa e nngwe ya tse latelang: 15

- (i) boteng ba sesebediswa se thibetsweng kapa dikarolo tse fumanehang mading kapa matshwao sampoleng e tswang mmeleng wa mo-atlelete; 20
- (ii) tshebediso kapa teko ya ho sebedisa sesebediswa se thibetsweng kapa mokgwa; 20
- (iii) ho hana kapa tlholeho ntle le mabaka a amohelang a ho dumela hore ho nkuwe sampole ho wena ka morao hoba o tsebiswe ho latela melawana e tshwanelehileng e sa dumellaneng le 25

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- (iv) the violation of applicable requirements regarding athlete availability for out of competition testing, including failure to provide required whereabouts information and missed tests which are declared based on reasonable rules;
- (v) the tampering, or attempting to tamper, with any part of doping control; 5
- (vi) the possession of prohibited substances and methods;
- (vii) the trafficking in any prohibited substance or method; or
- (viii) the administration or attempted administration of a prohibited substance or method to any athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted **violation"** ; 10
- (b) by the insertion after the definition of "Appeal Board" of the following definitions: 15
 - "athlete" means for purposes of doping control, any person who participates in sport at the international level (as defined by each International Sports Federation) or national level (as defined by the Institute) and any other person who participates in sport at a lower level if designated by the Institute; 20
 - 'Code' means the World Anti-Doping Code adopted by the Foundation Board of WADA on 5 March 2003 at Copenhagen, Denmark;¹
- (c) by the substitution for the definition of "doping" of the following definition: 25
 - "doping" means the occurrence of one or more of the anti-doping rule violations as set out in this Act;
- (d) by the insertion after the definition of "doping" of the following definitions: 30
 - "doping control" means the process, including test distribution planning, sample collection and handling, laboratory analysis, results management, hearings and appeals;
 - 'doping control programme' means the programme described in section 11A;
 - 'doping register' means a database of information recording relevant details of athletes or other persons found guilty of having committed anti-doping rule violations in terms of this Act;"
- (e) by the insertion after the definition of "international sports federation" of the following definitions: 35
 - "International Standard" means a standard adopted by WADA in support of the Code. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly; 40
 - 'International Standard for Laboratories' is a mandatory International Standard developed by WADA;
 - 'International Standard for Testing' is a mandatory International Standard developed by WADA; 45
 - 'International Standard for Therapeutic Use Exemptions' is a mandatory International Standard developed by WADA;"

I. In 2006, the text of the World Anti-Doping Code was accessible on the Internet through the website of the World Anti-Doping Agency (www.wada-arna.org)

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- tshebediso ya dithethefatsi kapa ho qoba hore o fane ka sampole
eo;
- (iv) tlolo ya ditlhoko tse tshwanetseng mabapi le ho fumaneha ha
rno-atlelete bakeng sa tlhatlhobo ya kante ho tlhodisano, ho
kenyeletswa ho hloleha ho fana ka lesedi le hlokehang la moo
mo-atlelete a neng a le teng ha mmoho le la ho hloleha ho ba teng
ditekong tse phatlalatswang tse thehilweng melawaneng e
utlwahalang; 5
- (v) ho tshwenyana, kapa ho leka ho tshwenyana le karolo efe kapa
efe ya taolo ya tshebediso ya dithethefatsi; 10
- (vi) ho ba le sesebediswa sena se thibetsweng le mekgwa ya teng;
- (vii) ho hweba kapa ho rekisa sesebediswa sefe kapa sefe se
thibetsweng kapa mekgwa ya teng; kapa
- (viii) tsamaiso kapa teko ya tsamaiso ya sesebediswa sena se
thibetsweng kapa mekgwa ofe kapa ofe wa mo-atlelete, kapa ho
fana ka thuso, ho kgothaletsa, ho kenya letsoho, ho ba le karnano,
ho tshireletsa kapa kameho ya mofuta ofe kapa ofe o mong e
amanang le tlolo ya molawana wa tlolo ya tshebediso e sa
dumellwang ya dithethefatsi kapa teko efe kapa efe ya tlolo ya
molao;"; 20
- (b) ka ho hokela tlhaloso tsena tse latelang ka morao ho tlhaloso ya "Lekgotla la
Boipiletso":
" 'moatlelete' mona ho latela mabaka a taolo ya thibelo ya dithethefatsi,
ho bolelwa motho ofe kapa ofe ya kenelang dipapadi boemong ba
matjhaba (ho latela tlhaloso ya Federeishene e nngwe le e nngwe ya
Dipapadi tsa Matjhaba) kapa hoemo ba naha (ho latela tlhaloso ya
Institjhute) le motho ofe kapa ofe e mong ya kenelang dipapadi boemong
bo tlasenyana haeba a romelwa ke Institjhute;
'Khoutu' e bolela Khoutu ya Lefatshe ya Thibelo ya Tshebediso ya
Dithethefatsi, e amohetsweng ke Mokgatlo wa Lekgotla la WADA mohla
la 5 Tlhakubele 2003 Copenhagen ho la Denmark;"; 30
- (c) ho nkelwa sebaka ha tlhaloso ya 'tshebediso ya dithethefatsi' ke tlhaloso e
latelang:
" 'tshebediso ya dithethefatsi' e bolela ketsahalo ya tlolo e le nngwe
kapa tse ngata tsa melawana ya twantsho ya tshebediso ya dithethefatsi
jwalo ka ha e tsepamisitswe Molaong ona;"; 35
- (d) ka ho kenngwa ha ditlhaloso tse latelang ka morao ho tlhaloso ya "tshebediso
ya dithethefatsi":
" 'taolo ya tshebediso ya dithethefatsi' e bolela mekgwa, ho
kenveletswa ha moralo wa ho ghalanngwa ha diteko, pokello ya
disampole le tshwaro, tlhophollo ya laboratoring, taolo va sephetho,
dinyewe le boipiletso;
'Lenaneo la taolo ya tshebediso va dithethefatsi tse thibetsweng' ho
bolela lenaneo le hlalositsweng karolong IIA;
'rejistara va tshebediso ya dithethefatsi tse thibetsweng' ho bolelwa
polokelo ya lesedi le bontshang tlhahiso-leseding ka baatlele kapa batho
ba kileng ba fumanwa ba le molato wa ho tlola melawana ya tshebediso
va dithethefatsi tse thibetsweng ho va ka Molao ona;"; 45
- (e) ka ho kenngwa ha tlhaloso tsena tse latelang ka morao ho tlhaloso ya
"federeishene ya dipapadi tsa matjhaba": 50
" 'Maemo a Matjhaba' mona ho bolelwa boemo bo amohetsweng ke
WADA tshebetsong ya Khoutu ena. Ho kgema le Boemo ba Matjhaba
(ho fapana le boemo bo bong bo fapaneng, tlwaelo kapa mohato) ho tla
be ho lekane ho fihlela qeto ya hore mehato e rarolotsweng ke Boemo ba
Matjhaba e entswe ka tsela e nepahetseng; 55
'Boemo ba Matjhaba ba Dilaboratori' ke Boemo ba Matjhaba bo
tlamang bo entsweng ke WADA;
'Boemo ba Matjhaba ba Tlhatlhobo' ke Boemo ba Matjhaba bo
tlamang bo entsweng ke WADA;
'Boemo ba Matjhaba ba Tumello ya Tshebediso ya Meriana ya
Phekolo' ke boemo bo tlamang ba Matjhaba bo entsweng ke WADA;"; 60

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- (f) by the insertion after the definition of "Minister" of the following definitions:
"National Anti-Doping Organisation (NADO), means the entity designated by each country as possessing the primary authority and responsibility to-
 (a) adopt and implement anti-doping rules;
 (b) direct the collection of samples;
 (c) manage test results; and
 (d) conduct hearings;
at the national level;"; 5
- (g) by the insertion after the definition of "national sports federation" of the following definition: 10
"negative analytical finding' means the finding, on analysis of a sample by a WADA-accredited laboratory, that does not indicate the presence of a prohibited substance or the use of a prohibited method;";
- (h) by the deletion of the definition of "NOCSA"; 15
- (i) by the substitution for the definition of "notifiable event" of the following definition:
"notifiable event' means any sports competition or event under the auspices of the South African Sports Confederation and Olympic Committee (SASCOC) or any national sports federation anywhere within or outside the Republic, with reference to which doping control is to be carried out, as determined by the Institute;"; 20
- (j) by the deletion of the definition of "NSC";
- (k) by the insertion after the definition of "notifiable event" of the following definitions: 25
"person' means a natural person or an organisation or other entity;
'possession' means the actual, physical possession or the constructive possession (which shall be found only if the person has exclusive control over the prohibited substance or method or the premises or property in which a prohibited substance or method exists): Provided that, if a person does not have exclusive control over the prohibited substance or method or the premises in which a prohibited substance or method exists, constructive possession shall only be found if such a person knew about the presence of the prohibited substance or method and intended to exercise control over it: Provided further that there shall be no anti-doping rule violation based solely on possession if, prior to receiving notification of any kind that such a person has committed an anti-doping rule violation, the person has taken concrete action demonstrating that the person no longer intends to have possession and has renounced the person's previous possession. 30
'Prohibited List' means the list identifying the prohibited substances and prohibited methods, published at least annually by WADA as a mandatory International Standard;
'prohibited method' means any method so described on the Prohibited List; 35
'prohibited substance' means any substance so described on the Prohibited List;
'Promotion of Access to Information Act' means the Promotion of Access to Information Act, 2000 (Act No.2 of 2000);
'Public Finance Management Act' means the Public Finance Management Act, 1999 (Act No. I of 1999); 40
'Register of Notifiable Events' means a register of sporting competitions or events at which the Institute may perform doping control;
'registered testing pool' means the pool of top level athletes, established by the Institute, who are subject to both in competition and out of competition testing as part of the Institute's test distribution plan; 45
'sample' means a specimen of any biological material collected for the purposes of doping control; 55

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- (f) ka ho kenngwa ha tthaloso tse latelang ka morao ho tthaloso ya "Letona":
" 'Mokgatlo wa naha wa thibelo ya Tshebediso ya dithethefatsi (NADO)'
e bolela mokgatlo o thehilweng ke naha ka nngwe mme o fuwe matla a
mantlha le boikarabelo ba-
(a) ho amohela le ho phethahatsa melawana ya thibelo ya tshebediso ya
dithethefatsi; 5
(b) ho laola pakeletso ya disampole;
(c) ho laola sephetho sa diteko; le
(d) ho tsamaisa dinyewe;
boemong ba naha;"; 10
- (g) ka ho kenngwa ha tthaloso e latelang ka morao ho tthaloso ya federeishene ya
naha ya dipapadi:
" 'phumano ya tlhophollo e sa bontsheng sesebediswa' e bolela
phumano, eo nakong ya tlhophollo ya yona ke WADA e nang le mangolo
a Jaboratori, e sa bontsheng boteng ba sesebediswa se thibetsweng kapa
tshebediso ya mokgwa o thibetsweng;"; 15
- (h) ka ho hlakolwa ha tthaloso ya "NOCSA";
- (i) ka hore tthaloso ya 'ketsahalo e bonahalang' ya tthaloso e latelang e nkelwe
sebaka ke tthaloso e latelang:
" 'ketsahalo e bonahalang' e bolela tlhodisano ya dipapadi dife kapa 20
dife kapa ketsahalo e tshwarelwang tlasa taolo ya Khonfedereishene ya
Dipapadi tsa Afrika Borwa le Komiti ya Olimpiki (SASCOC) kapa
federeishene efe kapa efe ya dipapadi tsa naha kae kapa kae ka hare kapa
kantle ho Rephaboliki, tseo ho ya ka tsona taolo ya dithethefatsi e
lokelang ho etswa, ho latela ka moo Institjhute e tsepamisitseng ka
teng;" 25
- (j) ka ho hlakolwa ha tthaloso ya "NSC";
- (k) ka ho kenngwa ha tthaloso tse latelang ka morao ho tthaloso ya 'ketsahala e
bonahalang':
" 'motho' o bolela motho ya tlwaelehileng kapa mokgatlo kapa 30
mokgatlo o mong;
'thuo' mona ho bolelwa thuo e etsahetseng ka phethahalo, ya sebele kapa
thuo ya nnete (e tla fumaneha feela haeba motho a na le taolo e
phethahetseng ya sesebediswa se thibetsweng kapa mokgwa wa teng
kapa sebaka kapa thepa eo sesebediswa sena se thibetsweng kapa 35
mokgwa ona se fumanehang ho sona): Ntle le ha motho ya jwalo a hloka
taolo e phethahetseng hodima sesebediswa sena se thibetsweng kapa
mokgwa wa sona kapa sebaka seo sesebediswa sena se thibetsweng kapa
mokgwa ona se leng ho sona, thuo e phethahetseng e tla ba teng feela
haeba motho ya jwalo a ne a tseba ka boteng ba sesebediswa sena se 40
thibetsweng kapa mokgwa ebile a na le maikemisetso a ho sebedisa taolo
ya hae ho sona: Ntle le hape ha ho se na tlolo ya molawana wa thibelo ya
tshebediso ya dithethefatsi e thehilweng hodirna thuo ena ka ho ikgetha
haeba, ka morao hoba ho fumanwe tsebiso ya mofuta ofe kapa ofe motho
ya jwalo a ile a tlola molawana wa thibelo ya tshebediso ya dithethefatsi, 45
motho ya jwalo a ile a nka bohato bo matla ba ho bontsha hore motho
enwa ha sa na rnaikemisetso a ho ba le thuo e jwalo mme o lahlile thuo
ya nakong e fetileng ya motho ya jwalo.
'Lenane le Thibetsweng' le hlalosa lenane le bontshang sesebediswa se
thibetsweng le mekgwa e thibetsweng, tse phatlaladitsweng ke WADA 50
bonyane selemo le selemo jwalo ka ha e le tlamo ho latela Boemo ba
Matjhaba;
'mokgwa o thibetsweng' o bolela mokgwa ofe kapa ofe o hlalositsweng
jwalo Lenaneng le Thibetsweng;
'sesebediswa se thibetsweng' mona ho bolelwa sesebediswa sefe kapa 55
sefe se hlalositsweng jwalo Lenaneng le Thibetsweng;
'Molao wa *Promotions of Access to Information*' o bolela Molao wa
Promotion of Access to Information wa selemo sa 2000 (Molao wa
Nomoro ya 2 wa selemo sa 2000);
'Molao wa *Public Finance Management*' o bolela Molao wa *Public* 60
Finance Management ya Ditjhelete tsa Setjhaba wa selemo sa 1999);

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- 'SASCOC' 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.;
- (l) by the deletion of the definition of "SISA";
- (m) by the insertion at the end of the section of the following definitions:
- "sports administration body" means-
- (a) a multi-coded international sports governing body (e.g. the International Olympic Committee (IOC);
 - (b) an international sports federation;
 - (c) a national sports federation;
 - (d) a sports federation;
 - (e) a tribunal, committee or other investigative body that is associated with a body referred to in paragraphs (a), (b), (c) or (d);
 - (j) SASCOC;
 - (g) WADA; or
 - (h) a National Anti-Doping Organisation;
- 'SRSA' means Sport and Recreation South Africa which is the national department responsible for Sport and Recreation;
- 'tampering' means altering for an improper purpose or in an improper way, bringing improper influence to bear or interfering improperly to alter results or prevent normal procedures from occurring;
- 'testing' means the parts of the doping control process involving test distribution planning, sample collection, sample handling and sample transport to the laboratory;
- 'trafficking' means to sell, give, administer, transport, send, deliver or distribute a prohibited substance or prohibited method to an athlete either directly or through one or more third parties, but excluding the sale or distribution (by medical personnel or by persons other than an Athlete's Support Personnel as contemplated in the Code) of a prohibited substance for genuine and legal therapeutic purposes;
- 'UNESCO Convention' means the UNESCO (United Nations Educational, Scientific and Cultural Organisation) International Convention Against Doping in Sport, adopted in Paris on 19 October 2005;
- 'WADA' means the World Anti-Doping Agency;
- 'WADA-accredited laboratory' means a laboratory accredited by WADA according to the International Standard for Laboratories.

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- 'Ngodiso ya Diketsahalo tse Bonahalang' mona ho hlaloswa ngodiso ya ditlhodisano tsa dipapadi kapa diketsahalo tseo ho tsona Institjhute e ka etsang tlhatlhobo ya taolo ya tshebediso ya dithethefatsi;
- 'sehlopha se ngodisitsweng sa tlhatlhobo' mona ho bolelwa sehlopha sa ba-atlelete ba boemo bo hodimo se thehilweng ke Institjhute, se lokelang ho hlahlojwa nakong ya ditlhodisano le ka moran ho ditlhodisano, e le letsholo le bopang karolo ya morero wa diteko tsa Institjhute tse pharaletseng;
- 'sampo le' e bolela sampole ya thepa efe kapa efe ya bayoloji e bokeletsweng ka sepheo sa taolo ya tshebediso ya dithethefatsi;
- 'SASCOC' e bolela Khonfedereishene ya Dipapadi tsa Afrika Borwa le Komiti ya Diolimpiki, mokgatlo wa dipapadi oo eseng wa mmuso o thehilweng le ho botjwa ka dikarolo tse latelang:
- (a) Federeishene tsa Diolimpiki tsa Naha;
- (b) Federeishene tsa Naha tsa Selekane;
- (c) Dipapadi tsa sekolo mabapi le boemedi boo di nang le bona Lekgotleng la SASCOC ho latela ditemana tsa molao wa mokgatlo;
- (d) Dipapadi tsa di-Institjushene tse hodimo (ho kenyeletswa Thuto e Tswelang pele le Thupelo);
- (e) Federeishene tsa naha tsa ba-atlelete ba holofetseng;
- (f) Federeishene tsa Dipapadi tsa Afrika Kaofela; le
- (g) Federeishene tse ding tsa naha."
- (l) ka ho hlakolwa ha tlhaloso ya "SISA"
- (m) ka ho kenngwa ha karo lo ya ditlhaloso tse latelang qetellong:
- “ 'mokgatlo wa tsamaiso ya dipapadi' o bolela-
- (a) mokgatlo wa taolo ya dipapadi tsa matjhaba tsa mefuta e fapafapaneng (mohlala, Komiti ya Matjhaba ya Diolimpiki (OIC);
- (b) federeishene ya dipapadi tsa matjhaba;
- (c) federeishene ya dipapadi tsa naha;
- (d) federeishene ya dipapadi;
- (e) moifo, komiti kapa mokgatlo o mong o fuputsang tse amanang le mokgatlo oo ho buuwang ka ona dirapeng tsa (a), (b), (c) kapa (d);
- (f) SASCOC;
- (g) WADA;
- (h) Mokgatlo wa Naha wa Thibelo ya Tshebediso ya Dithethefatsi.
- 'SRSA' e emetse Dipapadi le Boikgathollo ho la Afrika Borwa e leng lefapha la naha le ikarabellang Dipapading le Boikgathollong;
- 'ho tshwenyana' ho bolela ho henahena le ho fetola ka mokgwa wa sepheo seo eseng se nepahetseng, ho tisa tshusumetso e sa nepahalang kapa ho henahenana le ho fetola sephetho kapa ho thibela hore ho etsahale mehato e tlwaelehileng;
- 'tlhatlhobo' e bolela karolo ya taolo ya thibelo ya tshebediso ya dithethefatsi moo ho etswang diteko tse pharaletseng, ho bokella disampole, tshwaro ya disampole le ho thotwa ha disampole ho iswa laboratori;
- 'kgwebo ya dithethefatsi' mona ho hlaloswa ho rekisa, ho fana, ho laola, ho thota, ho romela, ho isa kapa ho nehelana kapa ho qhalanya sesebediswa se thibetsweng kapa ho sebedisa mokgwa o thibetsweng mabapi le ho finyeletsa tsena ho ba-atlelete ka mokgwa o otlolehileng kapa ka mokgwa o tshebediso ya motho e mong kapa batho ba bang, empa ho tehetswe ka thoko thekisetsano kapa ho qhalanngwa (ke moifo wa tsa bongaka kapa batho ba bang ntle le Moifo wa Tshehetso ya Ba-atlelete jwa lo ka ha ho hlaheja Khoutung) ha sesebediswa bakeng sa mabaka a nnete le a merero ya phekolo e dumeletsweng ka molao;
- 'UNESCO Convention' e bojela UNESCO (United Nations Educational, Scientific and Cultural Organisation) Seboka sa Matjhaba sa Thibelo ya Tshebediso ya Dithethefatsi Dipapading, e leng selekane se ileng sa tlabolwa Paris ka la 19 October 2005;
- 'WADA' e emetse World Anti-Doping Agency;
- 'wada-accredited laboratory' e bolela laboratori e nang le mangolo a tswang ho WADA ho latela Boemo ba Matjhaba ba dilaboratori."

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Amendment of section 3 of Act 14 of 1997

2. Section 3 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) The Institute shall consist of a chairperson and [as many other] nine members, possessing special knowledge and expertise relevant to doping, as may be [agreed upon] determined by the Minister [in consultation with NSC and NOCSA], all of whom shall be appointed by the Minister in terms of subsection (4).";

(b) by the substitution for subsection (2) of the following section:

"(2) In addition to the members referred to in subsection (1) the Chief Executive Officer of the Institute shall be a member of the Institute by virtue of his or her office, who will have no voting rights as contemplated in section 5.";

(c) by the substitution of subsection (3) of the following subsection:

"(3) (a) The Minister shall, with a view to the appointment of the members referred to in subsection (1), invite interested parties through the media and by notice in the *Gazette* to propose candidates, within 30 days of the publication of the said notice, for appointment as such members: Provided that the Minister shall after receipt of the applications, furnish the Institute and SASCOC with the said applications as soon as possible: Provided further that the Institute and SASCOC must furnish the Minister with their recommendations with regard to the most suitable candidates for appointment as members, within 30 days after receiving it.

(b) When making an appointment in terms of subsection (1), the Minister shall take into account guidelines or policies to promote equity, representivity and the redress in sport and recreation."

(d) by the addition of the following subsection:

"(11) If upon the expiration of the term of office of the members of the Institute, the Minister has not yet appointed new members to take their place, the existing members shall continue in office until new members have been appointed to replace them, but for a period not exceeding 30 days after the expiry of the previous term."

Amendment of section 6 of Act 14 of 1997

3. The following section is hereby substituted for section 6 of the principal Act:

"Staff of Institute

6. (1) The Institute shall, in consultation with the Minister and [the Public Service Commission] subject to the Minister obtaining the concurrence of the Minister of Finance in this regard, appoint a suitably qualified and experienced person as Chief Executive Officer of the Institute.

(2) The [Institute] Chief Executive Officer may[, at its request and in consultation with the Public Service Commission, be assisted by officers of the public service seconded to the service of the Institute in terms of the law regulating such secondment] appoint staff based on the organisational structure required in terms of its strategic plan and within its budget: Provided that the remuneration level of such staff must be determined by a suitable job evaluation system as prescribed by the Minister for the Public Service and Administration from time to time, in consultation with the Minister.

(3) The persons contemplated in subsections (1) and (2) shall receive such remuneration, allowances and other employment benefits and shall be appointed [or seconded] on such terms and conditions and for such periods as the Institute may determine [in consultation with the Public Service Commission, the Minister and the Minister of Finance] in terms of subsection (5).

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Phetolo ya karolo ya 3 ya Molao wa 14 wa 1997

2. Karolo ya 3 ya Molao wa sehlooho mona e a fetolwa-

(a) karolwana ya (1) e nkelwa sebaka ke karolwana e latelang:

"(1) Institjhute e tla ba le modulasetulo le [Ie ba bang ba bangata] ditho tse robong, tse nang le tsebo e ikgethang le botsebi bo tsamaelanang le tshebediso ya dithethefatsi, ho ya ka moo [ka moo ho dumellanwang ka teng] ho tsepamisitsweng ka teng ke Letona [ka ditherisano le NSC le NOCSA], bao kaofela ba tla behwa ke Letona ho latela karolwana ya (4).";

(b) karolwana ya (2) e tla nkelwa sebaka ke karolo e latelang:

"(2) Ha mmoho le ditho tseo ho buuweng ka tsona karolwaneng ya (1) Mohlanka e Moholo wa Phethahatso wa Institjhute ella ba setho sa Institjhute ho latela boemo ba hae kapa ba ofisi ya hae, mme a keke a ba le ditokelo tsa ho vouta jwalo ka ha ho hlahisitswe karolong va 5.";

(c) karolwana ya (3) e tla nkelwa sebaka ke karolwana tse latelang:

"(3) (a) Letona ka marero wa ho kgetha ditho tseo ho buuwang ka tsona karolwaneng ya (1), le tla merna batho ba nang le thahasello ka tsela ya diphatlalatso le ka tsebo koranteng ya Mmuso ho thonya baikopedi, nakong ya matsatsi a 30 a phatlalatso ya tsebiso eo ho buuweng ka yona, bakeng sa kgetho ya ditho tse jwalo: Ha feela Letona ka morao ho ba le amohela dikopo, le tla fa Institjhute le SASCOC dikopo tseo ho buuwang ka tsona ka potlako: Haeba ho feta mona Institjhute le SASCOC di lokela ho fa Letona dikgothaletso tsa bona tse mabapi le baikopedi ba loketseng ho ka kgethwa jwalo ka ditho, nakong ya matsatsi a 30 ka morao hoba di arnohelwe.

(b) Ha Letona le etsa kgetho ya ho latela karolwana ya (1), Letona le tla nkella hloohong tataiso kapa maano ho ntshetsa pele tekano, boemedi le tharoUo dipapading le boikgathollong.".

(d) ka ho kenngwa karolwana e latelang:

"(11) Haeba ka morao hoba nako va ofisi va ditho tsa Institjhute e fele, Letona le sa ka la merna ditho tse ntjha ho nka sebaka, ditho tse teng di tla tswela pele ka ofisi ho fihlela ho kgethwa ditho tse ntjha tse tla nka sebaka sa bona, empa eseng nako e fetang matsatsi a 30 ka morao ho nako ya bona e fedileng.".

Phetolo ya karolo ya 6 ya Molao wa 14 wa 1997

3. Karolo e latelang mona e tla nkelwa sebaka ke karolo ya 6 ya Molao wa sehlooho:

"Moifo wa Tshebetso wa Institjhute

6. (1) Institjhute ka ditherisano le Letona le [Khomishene ya Tshebeletso ya Setjhaba] ha letona le ka fumana tumello va Letona la Ditjhelete tabeng ena, le tla kgetha motho ya nang le mangolo a loketseng le ya nang le boitsebelo hore e be Mohlanka ya ka Sehloohong wa Phethahatso wa Institjhute.

(2) [Institjhute] Mohlanka ya ka Sehloohong wa Phethahatso [ka kopo le ka ditherisano le Khomishene ya Tshebeletso ya Setjhaba, e da thuswa bahlanka ba tshebeletso ya setjhaba ba abetsweng mosebetsi ho Institjhute ho latela molao o laolang kabelo ya mosebetsi e jwalo] o tla kgetha moifo wa basebetsi ho latela sebopeho sa tlhopiso se hlokehang ho latela morale wa lewa wa teng le ho latela ka moo ditekanyetso tsa ditjhelete di dumelang ka teng: Ha feela boemo ba tefo ya basebetsi ba jwalo bo lokela ho tsepamiswa ke mokgwa o loketseng wa tlhatlhobo ya mosebetsi ho latela ka moo Letona la Tshebeletso ya Setjhaba le Tsamaiso le tla tsepamisa ka teng nako le nako, ka therisano le Letona.

(3) Batho ba hopotsweng karolwaneng ya (1) le ya (2) ba tla fuwa moputso o jwalo, ditshiane le menyetla e meng ya mosebetsi mme ba tla kgethwa [kapa ba abelwe ho sebetsa] ho latela dipehelano le dipallo le ho fihlela nakong e tla tsepamiswa ke Institjhute [ka ditherisano le Khomishene ya Tshebeletso ya Setjhaba, Letona le Letona la Ditjhelete] ho ya ka karolwana ya (5).

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[(4) The Institute may, in consultation with the Minister and the Public Service Commission, for specific projects enter into contracts for the services of persons having technical or specialised knowledge of any matter relating to the functions of the Institute, and may, with the concurrence of the Minister of Finance, determine the remuneration, including reimbursement for travelling, subsistence and other expenses, of such persons.] 5

(5) In order to regulate the staff matters as contemplated in this section, the Institute must establish personnel regulations in consultation with the Minister for the Public Service and Administration directing human resource matters to comply with all relevant legislation applicable to the appointment of staff." 10

Amendment of section 8 of Act 14 of 1997

4. Section 8 of the principal Act is hereby amended-

- (a) by the substitution in subsection (2) for paragraph (b) of the following paragraph: 15

"(b) [is, subject to the Exchequer Act, 1975 (Act No. 66 of 1975)-

- (i) charged with the responsibility of accounting for money received from whatever source, or paid out by or on account of the Institute; 20

- (ii) charged with the duty to cause the necessary accounting and other related records to be kept; and)

shall ensure that all functions of the Institute are performed in accordance with the provisions of the Public Finance Management Act and any other applicable legislation; and"; and 25

- (b) by the deletion of subsection (3).

Amendment of section 10 of Act 14 of 1997

5. Section 10 of the principal Act is hereby amended **by**-

- (a) the substitution in subsection (1) for paragraph (d) of the following paragraph: 30

~~H(d)~~ to [bring about the introduction of) promote and ensure the adoption of a centralised [independent sample collection and testing] doping control programme, which may subject any [sportsperson] athlete to [dope] testing [at short notice], with or without advance notice, both in and out of competition";

- (b) the substitution in subsection (1) for paragraphs (e) and (f) of the following paragraphs: 35

H(e) to [encourage) ensure that [the South African] national sports federations and other sports organisations [to] adopt [uniform independent internationally acceptable sample collection and testing procedures] and implement anti-doping policies and rules which conform with the Code and with the requirements set out in the anti-doping policy and rules of the Institute; and 40

if) to [encourage] ensure, as far as reasonably possible, the [development] establishment and maintenance of a [sport drug testing laboratory or laboratories accredited by the International Olympic Committee; and) WADA-accredited laboratory in the Republic."; 45

- (c) the deletion of subsection (1)(g); and

- (d) the substitution for subsection (2) of the following subsection: 50

"(2) The Institute shall operate independently, but [in close conjunction] may co-operate with [SISA] SASCOC and SRSA from time to time as the need arises in order to achieve the objects of the Institute as contemplated in this Act."

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(4) Institjhute ka ditherisano le Letona ha mmoho le Khomishene ya Tshebeletso ya Setjhaba, ho latela merero e ikgethang e ka nna ya kena ditumellanong tse mabapi le tshebetso ya batho ba nang le tsebo ya tekgeniki kapa tsebo e ikgethang ya ntlha efe kapa efe e amanang le mesebetsi ya Institjhute, mme hape ka tumello ya Letona la Ditjhelete, e ka nna ya beha moputso, ho kenyeletswa le ditlhapiso tsa maeto, boroko le ditshenyehelo tse ding, tsa batho ba jwalo.] 5

(5) Institjhute hore e kgone ho laola ditaba tsa moifo wa basebetsi jwalo ka ha ho hlahisitswe karolong ena, e lokela hore e thehe melawana ya moifo wa basebetsi ka ditherisano le Letona la Tshebeletso ya Setjhaba le Tsamaiso moo e tataisang ditaba tsa mehlodi ya botho hore e kgeme le melao e amehang kaofela e tsamaelanang le ho hirwa ha moifo wa basebetsi." 10

Phetolo ya karolo ya 8 ya Molao wa 14 was 1997

4. Karolo 8 ya molao wa sehlooho e hlomathisetswa- 15

(a) ka ho nkelwa sebaka ho karolwana (2) ho serapa sa (b) ya serapa se latelang: "(b) eke, ho ya ka Molao wa Exchequer, 1975 (Molao Nmr, 66 wa 1975)-

(i) e fuwe mosebetsi wa ho ikarabela tjheleteng e tswang kae kapa kae, kapa e lefshwang ke kapa lebitsong la Institjhute; 20

(ii) e fuwe mosebetsi wa ho etsa hore boikarabelo bo hlokaahalang le direkoto tse amanang le bona di bolokwe; mme]

e tla netefatsa hore mesebetsi yohle ya Institjhute e sebetswa ho latela dipheho tsa Molao wa Public Finance Managementle ya melao e meng e kenang; le". 25

(b) ka ho tlakolwa ha karolwana ya (3).

Phetolo ya karolo ya 10 ya Molao wa 14 wa 1997

5. Mona ho fetolwa karolo ya 10 ya Molao wa sehlooho ka- 30

(a) karolwana ya (1) ya serapa sa (d) e nkelwa sebaka ke serapa se latelang:

"(d) ho [tlisa selemekela sa] ntshetsa pele le ho netefatsa kananelo ya lenaneo le bohareng la taolo ya tshebediso ya dithethefatsi rho bokellwa ha sampole ka mokgwa o ikemetseng le tlhatlhobo], le ka etsang hore [motho e mong le e mong wa dipapadi] mo-atlelete a hlahlojwe [tshebediso ya dithethefatsi ka nako e kgutshwanyane], e le ha a Hea fuwa tsebiso kapa a sa ka a tsebiswa pele, ditlhodisanong kapa kantle ho ditlhodisano"; 35

(b) karolwana ya (1) dirapeng tsa (e) le (j) e nkelwa sebaka ke dirapa tse latelang: "(e) ho [kgothaletsa] netefatsa hore [Moahi wa Afrika Borwa] federeishene tsa naha tsa dipapadi [di] amohela [mehato e tshwanang le e ikemetseng e amohelang ya matjhaba ya pakeletso ya sampole le ho e hlahloba] le ho phethahatsa maano le melawana ya thibelo ya tshebediso ya dithethefatsi ya Institjhute e kgemang le Khoutu ha mmoho le ditlhoko tse tsepamisitsweng leanong la thibelo ya tshebediso ya dithethefatsi; le 45

(j) ho [kgothaletsa] netefatsa, ka hohle ka moo ho kgonehang ka teng, [ntshetsopele] motheo le tlhokomelo ya [Laboratori kapa dilaboratori tsa tlhatlhobo ya dithethefatsi dipapading tse fuweng mangolo ke Komiti ya Matjhaba ya Diolimpiki] laboratori e fuweng mangolo ke WADA mona Rephaboliki." 50

(c) ho hlakolwa ha karolwana ya (1) (g); le

(d) ho nkelwa sebaka ha karolwana ya (2) ke dikarolwana tse latelang: (2) Institjhute e tla sebetse ka boikemelo, empa [ka tshebedisano] e ka sebedisana le [SISA] SASCOC le SRSA nako le nako ho latela tlhoko e teng ka morero wa ho fihlella sepheo sa Insritjhute ho latela ka moo Molao o tshetlehang ka teng.' 55

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Amendment of section 11 of Act 14 of 1997

6. Section II of the principal Act is hereby amended **by**-

- (a) the substitution for subsection (1) of the following subsection:

"(1)The Institute must comply with the provisions of the Public Finance Management Act."; 5
- (b) the substitution of subsection (2) for the following subsection:

(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] adopt and implement anti-doping rules and policies which conform with the Code including the WADA Prohibited List; 10
 - (b) establish and maintain a Register of Notifiable Events;
 - (c) notify relevant persons and organisations of entries into the Register of Notifiable Events; 15
 - (d) disseminate information relating to the [penalties] sanctions likely to be imposed if [sportspersons test positive for doping, or if they fail to comply with requests to provide samples for testing] athletes violate anti-doping rules; 20
 - (e) select [sportspersons who are to be requested to provide samples for testing] athletes for doping control according to a test distribution plan;
 - (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] athletes and secure the safe and tamper-free transit of samples to WADA-accredited laboratories in accordance with the Code's International Standard for Testing; 25
 - (g) develop and implement educational programmes to discourage the practice of doping in sport; 30
 - (h) consult with, assist, co-operate with and provide relevant information to governmental and non-governmental anti-doping organisations and other persons within South Africa and internationally, where appropriate; 35
 - (i) take steps aimed at ensuring that South Africa complies with [international agreements] the Code, the UNESCO Convention and any other anti-doping agreements or arrangements [concerning the use of drugs and doping in sport] to which South Africa is a party; 40
 - (j) undertake research, or co-ordinate and arrange for research to be undertaken in the field of performance-enhancing [drugs and doping practices in sport; and] substances and methods;
 - (k) encourage the pursuit of optimal sports performance in an environment free from [the use of drugs] doping; 45
 - (l) establish and maintain a Registered Testing Pool of top level athletes who shall be subject to both in competition and out of competition testing; 50
 - (m) require that athletes who have been included in the testing pool provide accurate information on their current whereabouts which shall be made available to WADA and to other Anti-Doping Organisations having authority to test the athletes; and

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Phetoho ya karolo ya 11 ya Molao wa 14 wa 1997

6. Mona ho fetolwa karolo ya II ya Molao wa sehlooho

(a) karolwana ya (1) e nkelwa sebaka ke e latelang:

"(1) Institjhute e tlameha ho ikamahanya le ditemana tsa Molao wa Taolo Va Ditjhelete tsa Setjhaba."; 5

(b) karolwana ya (2) e nkelwa sebaka ke karolwana e latelang:

(2) Institjhute e tla -

(a) [e tla rala le ho boloka lenane la disebediswa 15ethibetsweng le ditlwaelo 15e tlatselatsang "Lenane la Dihlopha tsa Tshebediso ya Dithethefatsi le Mekgwa ya teng", le tla phatlalatswa selemo 10 le selemo ke Komiti ya Diolimpiki 15aMatjhaba le Federeishene 15e amehang 15a dipapadi] amohela le ho phethahatsa melawana va thibelo va tshebediso va dithethefatsi ha mmoho le maano a tsamaelanang le Khoutu ho kenVeleditswe le Lenane le Thibetsweng la WADA; 15

(b) e tla theha le ho boloka Rejistara ya Diketsahalo tse Bonahalang;

(c) e tla tsebisa batho ba loketseng le mekgatlo ka tse ngotsweng Rejistareng ya Diketsahalo tse Bonahalang;

(d) e tla fana ka lesedi le mabapi le [dikotlo] dikotlo tse ka nnang tsa qobellwa haeba [haeba dibapadi ho latela diteko di ka bontsha hore di sebedisitse sesebediswa se thibetsweng, kapa haeba di hloleha ho ikamanya le dikopo 15ahore di fane ka disampole tse tla hlahlojwa] ba-atlelete ba tlola melawana ya thibelo ya tshebediso ya dithethefatsi; 20

(e) e tla kgetha [dibapadi tse lokelang ho kopuwa here di fane ka disampole 15e tla hlahlojwa] ba-atlelete bakeng sa molo va tshebediso va dithethefatsi ho latela moralo wa diteko tse pharalletseng; 25

(1) e tla bokella disampole tse tswang [dibapadi ho latela tataiso 15e amohetsweng, le ho fumana hore disampole di tsamaiswe hantle ntle le ho tshwenngwa ke eng kapa eng ho leba dilaboratori 15e nang le mangolo a IOe bakeng sa ditlathlombo] ba-atleleteng le ho fumana mokgwa o bolokehileng wa tsamaiso va disampole ntle le hore di tshwenngwe ho leba dilaborating tse nang le mangolo Isa WADA ho latela Khoutu va Boemo ba Matjhaba ba Ditlathlombo; 30 35

(g) e tla hlahisa le ho phethahatsa mananeo a thuso ho fokotsa tlwaelo ya tshebediso ya dithethefatsi dipapading;

(h) e tla rerisana, e thuso le ho sebedisana ekasitana le ho fana ka lesedi le tshwanetseng mmusong le mekgatlong eo eseng ya mmuso ya thibelo ya tshebediso ya dithethefatsi le ho batho ba bang ka hare ho Afrika Borwa le matjhabeng, moo ho loketseng; 40

(i) e tla nka mehato e reretsweng ho netefatsa hore Afrika Borwa e ikamanya le [ditumellano tsa matjhaba] Khoutu, Seboka sa UNESCO le ditumellano dife kapa dife tse ding tsa thibelo ya tshebediso ya dithethefatsi kapa ditlhopiso [mabapi le tshebediso ya dithethefatsi le tshebediso ya dithethefatsi dipapading] tseo Afrika Borwa e nang le kabelo ho tsona; 45

(j) e etsa diphuputso, kapa e hokahanya le ho hlophisetso diphuputso tse lokelang ho etswa lekaleng la ho matlafatsa tshebetso [dithethefatsi le ditlwaelo 15a tshebediso ya dithethefatsi dipapading; le] disebediswa le mekgwa va teng; 50

(k) e tla kgothaletsa taba ya hore ho tsitlalletse katleho e hodimo dipapading sedikadikweng se hlohang [tshebediso ya dithethefatsi] tshebediso ya dithethefatsi; 55

(l) e tla theha le ho hlokomela Rejistara ya Pokello ya Diteko tsa ba-atlelete ba boemo bo hodimo ba tla hlahlojwa nakong ya ditlhodisano le kantle ho ditlhodisano;

(m) e hloka hore ba-atlelete ba kentsweng pokellong ya ditlathlombo ba fane ka lesedi le nepahetseng mabapi le moo ba leng teng nakong ya jwale e leng lesedi le tla fuwa WADA le Mekgatlo e meng ya 60

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- (n) ensure that a process for all athletes with documented medical conditions requiring the use of a prohibited substance or method may request a therapeutic use exemption: Provided that such requests shall be evaluated by a therapeutic use exemption committee in accordance with the International Standard for Therapeutic Use: Provided further that the Institute shall promptly report in writing to the WADA such granting of therapeutic use **exemptions.**"; 5
- (c) the substitution of subsection (3) for the following subsection: 10
- (3) Any failure of any [Federation] national sports federation and sports organisation to co-operate with the Institute shall be reported to the Minister, who [will] may
- (a) address the issue with [the relevant macro sporting organisations] SASCOC or any other relevant sports body and organisation as he or she deems fit; or 15
- (b) intervene in this regard if the said failure is a result of any:
- (i) dispute;
- (ii) alleged mismanagement; or
- (iii) any other related matter, 20
- which is likely to bring any sport or recreational activity in disrepute."
- (d) to add the following subsection after subsection (3):
- "(4) In intervening the Minister may-
- (a) refer the matter for mediation; or
- (b) issue a directive to resolve the dispute.... 25

Insertion of sections 11A to **He in Act 14** of 1997

7. The following sections are hereby inserted after section 11 of principal Act:

"Doping control programme

- HA. A doping control programme is a programme **that-**
- (a) applies to all athletes; 30
- (b) adopts and implements the applicable mandatory International Standards, including the Prohibited List, the Therapeutic Use Exemptions Standard and the International Standard for Testing in compliance with the Code;
- (c) authorises the Institute to request an athlete to provide a sample for the purpose of doping control; 35
- (d) requires the Institute to establish and maintain a doping register for the programme;
- (e) requires the Institute to enter the name of an athlete or other person in the doping register when the athlete or other person is found guilty of violating an anti-doping rule as defined in section I; 40
- (f) requires the Institute to give written notice of the making and particulars of an entry in the doping register to-
- (i) each relevant Sports federation in relation to the athlete concerned; and 45
- (ii) each relevant sports federation in relation to any athlete whose interests may have been affected by the anti-doping rule violation referred to in paragraph (e):

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- Thibelo ya Tshebediso ya Dithethefatsi e nang le matla a ho hlaloba ba-atlelete; le
- (n) e lokela ho netefatsa hore ho na le tsela kapa mokgwa wa hore ba-atlelete kaofela ba nang le mangolo a dingaka a hlohang hore ba sebedise disebediswa tse thibetsweng kapa mokgwa wa teng, ba ka kopa tumello ya tshebediso ya phekolo: Haeba kopo tse jwalo di tla hlalojwa ke komiti ya tumello ya tshebediso ya phekolo ho latela Boemo ba Matjhaba ba Tshebediso ya Phekolo: Ha feela Institjhute e tla tlalehela WADA ka potlako le ka mokgwa o ngotsweng taba ena va ho fana ka tumello Va tshebediso e etsetswang phekolo." 5 10
- (c) karolwana ya (3) e tla nkelwa sebaka ke e latelang:
- (3) Tiholeho efe kapa efe ya [Federeishene] federeishene efe kapa efe ya naha le mokgatlo wa dipapadi bakeng sa ho sebedisana le Institjhute e tla tlalehwa ho Letona, le [tla] ka nnang **1a**–
- (a) rarolla taba ena le [mekgatlo ya dipapadi e batsi le e amehang] SASCOC kapa moifo ofe kapa ofe o mong o loketseng wa dipapadi le mokgatlo ho ya ka moo a ka fumanang ho tshwaneleha hore le etse ka teng; kapa 15
- (b) kena tabeng ena haeba tlholeho e boletsweng e etsahetse ka lebaka la e nngwe ya tsena: 20
- (i) gabang;
- (ii) tsamaiso e hlaloswang e le e mpe; kapa
- (iii) ntlha efe kapa ere e nngwe e amanang le tsena, e ka nnang va tlisa bothata papading efe kapa ere kapa boikgathollong bofe kapa bofe." 25
- (d) ho kenya karolwana ena ka morao ho karolwana ya (3):
- "(4) Ha letona le kena ditabeng tsena le ka nna **1a**–
- (a) fetisetse taba ena bonamoding; kapa
- (b) fana ka taelo ya hore ho rarollwe qabang ena."
- Ho kenngwa dikarolo IIA ho isa ho IIC Molaong wa 14 wa 1997 30
7. Mona ho kenngwa dikarolo tse latelang ka morao ho karolo ya 11 ya Molao wa sehlooho:

"Lenaneo la taolo ya tshebediso ya dithethefatsi

- IIA. Lenaneo la taolo ya tshebediso ya dithethefatsi ke lenaneo 1e–
- (a) sebetsang ho ba-atlelete kaofela; 35
- (b) amohelang le ho phethahatsa taelo e amehang ya Boemo ba Matjhaba, ho kenyeletswa Lenane le Thibetsweng, Boemo ba Tumello tsa Tshebediso ya dithethefatsi bakeng sa Phekolo le Boemo ba Matjhaba ba Tlhahlobo ka boikamahanyo le Khoutu; 40
- (c) fanang ka tumello ho Institjhute hore e kope mo-atlelete ho fana ka sampole bakeng sa taolo ya tshebediso ya dithethefatsi; 45
- (d) e hlohang hore Institjhute e thehe le ho boloka rejistara ya tshebediso ya dithethefatsi ya lenaneo lena;
- (e) e hlohang hore Institjhute e kenye lebitso la mo-atlelete kapa la motho e riong rejistareng ya tshebediso ya dithethefatsi ha mo-atlelete enwa kapa motho e mong a fumanwe a le molato ka tlolo ya molawana wa thibelo ya tshebediso ya dithethefatsi jwalo ka ha ho hlalositswe karolong ya 1; 50
- if) e hloka hore Institjhute e fane ka tsebiso e ngotsweng le dintlha tsa se ngotsweng rejistareng ya tshebediso ya dithethefatsi **ho–**
- (i) federeishene e nngwe le e nngwe ya dipapadi e loketseng mabapi le mo-atlelete ya amehang; le
- (ii) federeishene e nngwe le e nngwe ya dipapadi e loketseng mabapi le mo-atlelete ofe kapa ofe eo ditabatabelo tsa hae mohlomong di ileng tsa ameha ke tlolo ya molao wa tshebediso e thibetsweng ya dithethefatsi eo ho buuwang ka yona serapeng sa (e): 55
- Ha feela tsebiso ya lesedi le jwalo la ho kenngwa rejistareng ya tshebediso ya dithethefatsi e tla sebetswa ho latela ditemana tsa Molao

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- Provided that such notice of information of an entry in the doping register shall be subject to the provisions of the Promotion of Access to Information Act and may include any or all of the following:
- (aa) Failure by an athlete to provide a sample;
 - (bb) failure by an athlete to complete or sign any form or to perform any action during sample collection as required by the doping control programme;
 - (cc) any attempt, whether successful or not, by an athlete or any other person to tamper with the doping control process;
 - (dd) any other interference with the doping control process;
 - (ee) the results of laboratory analysis;
 - (ff) any failure by an athlete to provide information on his or her whereabouts for out of competition testing; and
 - (gg) any information relating to an athlete's adverse analytical finding or the failure by an athlete to comply with a request by the Institute to provide a sample;
- (g) authorises the Institute, subject to the Promotion of Access to Information Act, to disclose information-
- (i) 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;
 - (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 administration by a person of a prohibited substance or method;
 - (ee) a person attempting to engage in any conduct referred to in paragraphs (aa) to (cc); 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);
 - (ii) relating to the return by an athlete of an adverse or negative analytical finding, or to an anti-doping rule violation by an athlete or any other person, to the public;
- (h) requires the South African Police Service and the South African Customs Service to co-operate with the Institute-
- (i) with any investigation pertaining to information disclosed in terms of paragraph (g);
 - (ii) with regard to any illegal activities resulting from anti-doping rule violations; or
 - (iii) in any other manner as may be required; or
- (i) may make provision for the application, adoption or incorporation, with or without modification, of any other instrument made by a sports administration body.

Failure to comply with a request to provide a sample

11D. For the purposes of this Act, an athlete fails to comply with a request by the Institute to provide a sample if-

- (a) he or she refuses or fails to submit to sample collection as required by the doping control programme;

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- wa Kgothaletso ya ho Fihlella Lesedi mme e na le monyetla wa ho
kenyeletsa e nngwe kapa kaofela dintho tse latelang:
- (aa) Ho hloleha ha mo-atlelete hore a fane ka sarnpole;
 - (bb) ho hloleha ha rno-atlelete hore a phethe kapa a saene
foromo efe kapa efe e nngwe kapa ho etsa eng kapa eng 5
 - (ee) teko efe kapa efe, e atlehile kapa e sa atleha, ya
rno-atlelete kapa motho ofe kapa ofe e mong ya ho
tshwenyana le mokgwa wa taolo ya tshebediso ya 10
 - (dd) ho tshwenyana le mokgwa wa taolo ya tshebediso ya
dithethefatsi ka tsela efe kapa efe;
 - (ee) sephetho sa tlhophollo ya laborator;
 - (ff) tlholeho efe kapa efe ya mo-atlelete ya hore a fane ka 15
 - lesedi le amanang le moo a teng kantle ho tlhatlhobo e
etswang ditlhodisanong; le
 - (gg) lesedi lefe kapa lefe le amanang le diphumano tsa
tlhahlobo e sa jeseng ditheohelang kapa tlholeho ya
mo-atlelete hore a ikamanye le kopo ya Institjhute ya ho 20
 - fana ka sampole;
- (g) fanang ka tumello ho Institjhute, ho ya ka Molao wa Kgothaletso ya ho
Fihlella Lesedi, ho fana ka lesedi -
- (i) ho Tshebeletso ya Sepolesa sa Afrika Borwa le Tshebeletso ya
Afrika Borwa ya Taolo ya Thepa tlasa maemo a latelang: 25
 - (aa) ha motho ofe kapa ofe a sebedisa sesebediswa se
thibetsweng kapa mokgwa;
 - (bb) hore motho a rue sesebediswa se thibetsweng kapa
mokgwa;
 - (ee) ho hweba ha motho ofe kapa ofe ka sesebediswa se 30
 - thibetsweng kapa mokgwa;
 - (dd) tsamaiso e etswang ke motho ya sesebediswa se
thibetsweng kapa mokgwa
 - (ee) motho ya lekang ho kena boitshwarong bofe kapa bofe
boo ho buuwang ka bona dirapeng tsa (aa) ho isa ho (ee); 35
 - le
 - (jj) motho ya thusang, ya sitisang, ya kwahelang, kapa ya
kenang mofuteng ofe kapa ofe wa tshehetso ya
boitshwaro bofe kapa bofe boo ho buuwang ka bona
dirapeng tsa (aa) ho isa ho (dd) kapa mokgwa; 40
 - (ii) e mabapi le ho kgutlela setjhabeng ha mo-atlelete ya nang le
diphumano tse sa jeseng ditheohelang kapa tse seng hantle , kapa
mabapi le hore mo-atlelete kapa motho e mong a tlole molawana
wa thibelo ya tshebediso ya dithethefatsi;
- (h) le hlohang hore Tshebeletso ya Sepolesa sa Afrika Borwa le 45
- Tshebeletso ya Taolo ya Thepa le sebedisane le Institjhute-
- (i) mabapi le phuputso ya lesedi leo ho fanweng ka lona ho latela
serapa sa (g);
 - (ii) mabapi le tshebetso efe kapa efe e sa dumellwang ka molao e
tswalwang ke tlole tsa molawana wa thibelo ya tshebediso ya 50
 - dithethefatsi; kapa
 - (iii) ka mokgwa ofe kapa ofe o ka hlokehang; kapa
- (i) le ka etsa monyetla wa kopo, kamohelo kapa wa kgapo, ka diphetoho
tse itseng kapa ntle le ho tisa diphetoho, ha sesebediswa sefe kapa sefe
se seng se entsweng ke mokgatlo o tsamaisang dipapadi. 55

Tlholeho ya ho ikamanya le kopo ya ho fana ka sampole

**11B. Ho latela Molao ona, mo-atlelete o hloleha ho ikarnanya le kopo ya
nstitjhute ya ho fana ka sampole ha-**

- (a) hana kapa a hloleha ho ikobela pokenetso ya sampole jwaJo ka ha e
hlokeha ho latela lenaneo la taolo ya tshebediso ya dithethefatsi; 60

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- (b) he or she fails to complete or sign any form required by the doping control programme to be completed or signed by the athlete; or
- (e) after providing the sample, he or she fails to comply with the required additional sample collection requirements.

Testing by other sports administration bodies

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IIC. The Institute may request a sports administration body in writing to arrange for-

- (a) an athlete to undergo doping control in order to determine whether he or she has been using prohibited substances or methods;
- (b) the laboratory analysis of the sample for that purpose; and
- (e) the Institute to be given information arising out of the making of such a request, including information relating to:
 - (i) An evasion, or an attempted evasion, by a person of a request to provide a sample;
 - (ii) the aiding, abetting, counselling or procuring of such an evasion, or attempted evasion, by the person;
 - (iii) any failure by the person to provide such a sample;
 - (iv) any interference with the provision, collection or testing of the sample; or
 - (v) the results of the testing."

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Substitution of section 12 of Act 14 of 1997

8. The following section is hereby substituted for section 12 of the principal Act:

"Preparation and approval of strategic plans and budget

12. Strategic plans and budgets of the Institute must be prepared and approved in accordance with the Public Finance Management Act and the Treasury Regulations."

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Repeal of sections 13,14 and 15 of Act 14 of 1997

9. Sections 13, 14 and 15 of the principal Act are hereby repealed.

Amendment of section 17 of Act 14 of 1997

10. Section 17 of the principal Act is hereby amended by the substitution for the said section of the following section:

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"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.

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(2) (a) The Minister shall on the recommendation of the Institute and SASOC 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.

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

(e) 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.

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- (b) hlolela ho tlatša kapa ho saena foromo e hlokwang ke lenaneo la taolo ya tshebediso ya dithethefatsi e lokelang ho tlatšwa kapa ho saenwa ke mo-atlelete; kapa
- (c) ka morao hoba a nehelane ka sampole, a hloleha ho ikamanya le dithoko tse ding hape tsa tlhokeho va pokello va disampole. 5

Tlhatlhobo e etswang ke mekgatlo e meng e tsamaisang dipapadi

nC. Institjhute e ka kopa mekgatlo o tsamaisang dipapadi ka ho ngolla hore o hlophisetse-

- (a) mo-atlelete hore a kene tekong ya taolo ya tshebediso ya dithethefatsi ho tseparnisa hore o ne a sebedisa disebediswa tse thibetsweng kapa mekgwa e jwalo; 10
- (b) tlhophollo ya laboratori ya sampole bakeng sa morero o jwalo; le
- (c) hore Institjhute e fuwe lesedi le tswang kopong ena, ho kenyeletswa lesedi le amanang le:
- (i) taba ya hore motho a qobe, kapa a leke ho qoba kopo ya ho fana ka sampole; 15
- (ii) taba ya hore motho a thuswe, a kgothaletswe, a eletswe kapa a qobiswe, a leke ho qoba;
- (iii) tlholeho efe kapa efe ya morho ya ho fana ka sampole e jwalo;
- (iv) tshitiso efe kapa efe ya phano, pokeletso kapa tlhatlhobo ya sampole; kapa 20
- (v) sephetho sa tlhatlhobo."

Ho nkelwa sebaka ha karolo ya 12 ya Molao wa 14 wa 1997

8. Mona karolo e latelang e nkelwa sebaka ke karolo ya 12 ya Molao wa sehlooho:

"Tfhophiso le kananelo ya meralo ya lewa le ditekanyetso 25

12. Meralo va lewa le ditekanyetso tsa Institjhute e lokela ho hlophiswa le ho amohelwa ho latela Molao wa Taolo va Ditjhelete tsa Setjhaba le Melawana va Matlotlo."

Uo hlakolwa ha karolo ya 13, 14 le ya 15 ya Molao wa 14 wa 1997

9. Dikarolo tsa 13, 14 le 15 tsa Molao wa sehlooho mona di a hlakolwa. 30

Phetolo ya karolo ya 17 ya Molao wa 14 wa 1997

10. Karola 17 ya Molao wa sehlooho e hlomathisetswa ho nkelwa sebaka karolong e boletsweng ya karolo e latelang:

"Lekgotla la Boipiletso la Thibelo ya Tshebediso ya Dithethefatsi le lekgotla la boipiletso 35

17. (1) (a) Mona ho hlongwa lekgotla le ikemetseng le tla tsejwa e le Lekgotla la Boipiletso la Thibelo ya Tshebediso ya Dithethefatsi.

(b) Lekgotla la Boipiletso la Thibelo ya Tshebediso ya Dithethefatsi le tla botjwa ka moifo wa batho ba robong, ba tla kgethwa ke Letona, ba nang le tsebo e ikgethang le botsebi bo kgemang le tshebediso ya dithethefatsi. 40

(2) (a) Letona ka kgothaletso ya Institjhute le SASCOC le tla kgetha bonyane ditho tse tharo ho tswa bathong bao ho boletsweng ka bona karolwaneng ya *l(b)* ho bopa moifo wa boipiletso o tla mamela le ho etsa qeto ka boipiletso diqetong tse entsweng ho latela Athikele ya 13 ya Khoutu moo ho lokelseng. 45

(b) Palo ya ditho tsa moifo wa boipiletso tse kgethilweng ke Letona ho latela karolo ena, e tla ba tsa palo e sa lekaneng.

(c) Bonyane ditho tse pedi tse kgethilweng ka mekgwa ona ke Letona e tla ba maqwetha a amohetsweng le a tshebetsong kapa di-advokheiti tse nang le dilemo tse tharo bonyane tsa boiphihlelo mahlakoreng a loketseng a botsebi ba bona. 50

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- (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. 5
- (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). 10
- (4) (a) The Anti-Doping Appeal Board may hear appeals involving national level athletes arising from decisions regarding: 10
- (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: 15
- 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. 20
- (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. 25
- (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. 30
- (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." . 35

Insertion of section 17A of Act 14 of 1997

11. The principal Act is hereby amended by the insertion of the following section after section 17: 40

"Punitive measures

- 17A. (1) SRSA, on the written recommendations of SASCOC, may cause an investigation to be conducted as it deems fit to ascertain whether all national sports federations have complied with the provisions contained in this Act. 45
- (2) SRSA must, after consultation with the Institute and SASCOC, identify any non-compliant national sports federations whereafter it may, amongst others-
- (a) withdraw or reduce its or the Government's funding of any such federation; 50

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(3) (a) Pele ho etswa boipiletso, palo ya tjehele e tla behwa ke Letona ka tsebiso Koranteng ya Mmuso, e tla kengwa ke moipiletsi Lekgotleng la Boipiletso ba Thibelo ya Tshebediso ya Dithethefatsi, mme tjehele ena e tla kgona ho kgutliswa ka botlalo fela ka morao ho ba Lekgotla la Boipiletso le jwalo le dihe kahlolo e dumellanang le moipiletsi: empa tjehele eo e kengtsweng e tla lahlehela moipiletsi haeba ho etsahala hore boipiletso ba hae bo hlolehe, 5

(b) Lekgotla la Boipiletso la Thibelo ya Tshebediso ya Dithethefatsi ho latela maemo a ikgethang a moipiletsi ya rerileng ho ipiletsa le ka fetola kapa la behella ka thoko taba ya tjehele ya peheletso eo ho buuwang ka yona serapeng sa (a). 10

(4) (a) Lekgotla la Boipiletso la Thibelo ya Tshebediso ya Dithethefatsi le ka mamela boipiletso bo amanang le ba-atlelete ba boemong ba naha bo tswalwang ke diqeto tse amanang le:

- (i) dikotlo tse qobellwang bakeng sa ditlolo tsa molawana wa Thibelo ya Tshebediso ya Dithethefatsi, ho kenyeletswa ho kgaolwa, ho behellwa ka thoko nakwana kapa nako ya hore o seke wa kgethwa ho hang; IS
- (ii) taba ya ho fana kapa ya ho hana ka Tumello ya Tshebediso ya dithethefatsi bakeng sa Phekolo (TUB); kapa
- (iii) qabang efe kapa efe e nngwe e amanang le tshebediso ya dithethefatsi dipapading: 20

Ha feela boipiletso bo amanang le ba-atlelete ba boemo ba matjhaba bo tla mamelwa ke Lekgotla la Bonamodi ba Dipapadi (CAS).

(b) Lekgotla la Boipiletso la Thibelo ya Tshebediso ya Dithethefatsi le ka nna la tiisa kapa la qhelela ka thoko dikotlo tse qobellwang ke moifo wa tsamaiso ya dipapadi mabapi le tshebediso ya dithethefatsi, mme sebakeng sa kotlo efe kapa efe e beheletsweng ka thoko, la beha kotlo efe kapa efe e qobellwang eo ho ya ka lona e leng e nepahetseng, 25

(5) Setho sa Lekgotla la Boipiletso la Thibelo ya Tshebediso ya Dithethefatsi, ho latela tokelo ya setho ya boitokollo ka tsebiso e ngotsweng ya nako ya kgwedi, se tla dula e le setho bakeng sa nako e jwalo e ka behwa ke Letona nakong ya kgetho ya setho. 30

(6) Setho sa Lekgotla la Boipiletso la Thibelo ya Tshebediso ya Dithethefatsi se tla kgethwa nakong ya dilemo tse hlano, empa se tla nne se be boemong ba ho ka kgethwa hape. 35

(7) Mohato o tla latelwa mabapi le boipiletso bo etswang ho Lekgotla la Boipiletso la Thibelo ya Tshebediso ya Dithethefatsi o tlatsepamiswa ke Lekgotla le boletsweng ka ditherisano le Letona, mme lehlakore le leng le leng mona boipiletsong le tla ba le tokelo ya boemedi ba motho wa boikgethelo wa bona: Ha feela setho sa Institjhute se tla kgona ho ba le tokelo le sona ya ho ba teng nyeweng efe kapa efe ya boipiletso jwalo ka motho ya beileng leihlo. 40

(8) Kotlo tse ka qobellwang mothong ya fumanwang a le molato ka tlolo ya molawana wa thibelo ya tshebediso ya dithethefatsi e tla ba e behwang ho latela diqobello tse behilweng ke melao le melawana ya thibelo ya tshebediso ya dithethefatsi va federeishene va dipapadi e amehang." 45

Ho kenngwa ha karolo ya 17A ya Molao wa 14 wa 1997

11. Mona ho fetolwa molao wa sehlooho ka hore ho kenngwe karolo e latelang ka morao ho karolo ya 17:

"Mehato ya kotlo 50

17A. (1) SRSA, ka kgothaletso e ngolsweng ya SASCOC, e ka etsa hore ho etswe diphuputso ho latela ka moo e boneng ho hlokeha ka teng ho netefatsa hore naa federeisbene tsa dipapadi tsa naha kaofela di fela di ikamahantse le ditemana tse fuperweng ke Molao ona.

(2) SRA ka morao ho ditherisano le Institjhute ekasitana le SASCOC, e lokela ho fumana federeishene tsa dipapadi tsa naha tse sa kgemeng le ditemana tse behilweng mme ka moran ho moo hara tse ding e ka-

(a) ikgula kapa ya fokotsa tjehele ya yona kapa ya Mmuso e sebediswang federeisheneng efe kapa efe;

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- (b) bar any such federation from administering its sport in the Republic; or
(c) recommend that SASCOC refuse to award national colours to the members of any such federation.
(3) SRSA may only act against a federation in terms of subsection (2) after it has given that federation an opportunity to make oral or written representations with regard to any proposed action." 5

Short title

12. This Act is called the South African Institute for Drug-Free Sport Amendment Act, 2006.

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- (b) thibela federeishene efe kapa efe hore e se tsamaisi dipapadi tsa yona ho la Rephaboliki; kapa
- (c) kgothaletsa hore SASCOC, e hane ho abela ditho tsa feredeishene efe kapa efe e jwalo mebala ya naha.
- (3) SRA e ka kgona ho nka mohato feela kgahlano le federeishene ho latela karolwana ya (2) ka moran hoba e fane ka sebaka federisheneng eo hore e tlo nehelana ka lehlakore la yona ka molomo kapa ka tsela e ngotsweng mabapi le mohato ofe kapa ofe olohothwang." 5

Sehlooho se sekgutshwanyane

12. Molao ona o bitswa hore ke Molao o Fetotsweng wa Institjhute ya Afrika Borwa 10
wa Dipapadi tse hlokang Dithethefatsi wa 2006.