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11th August, 2009

Mr. Algernon Cargill
President
Bahamas Swim Federation
P.O. Box EE-16855
Nassau, Bahamas

Dear Mr. Cargill:

RE: ANTI DOPING LEGISLATION

You will be aware that Legislation was recently passed in Parliament to establish The Bahamas Anti Doping Commission that will enable The Bahamas to implement its international obligations as a signatory to the Copenhagen Declaration on Anti Doping in Sports and UNESCO's International Convention Against Doping in Sports.

The legislation provides for the establishment of the aforementioned Commission, an Anti Doping Disciplinary Panel, a Therapeutic Use Exemption Committee and an Appeals Tribunal, all of which are described in the detail Bill, a copy of which is enclosed. In that regard, you are invited to submit for consideration your Organization's recommendation of qualified Bahamians to serve on each of these bodies.

As it is necessary for The Bahamas to become compliant with the relevant international conventions at the earliest date possible, we would appreciate receiving a favourable response from you before August 17th, 2009. We wish to thank you in advance for your cooperation and assistance.

Sincerely


Archie Nairn
Permanent Secretary

ML:mjb

Encl.

ANTI-DOPING IN SPORTS BILL, 2009

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ANTI-DOPING IN SPORTS BILL, 2009

A BILL FOR AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF MEASURES TO DISCOURAGE THE USE OF DRUGS AND DOPING METHODS IN SPORT AND FOR RELATED PURPOSES.

PART I- PRELIMINARY

1. Short title and commencement.

- (1) This Act may be cited as the Anti-Doping in Sport Act, 2009.
- (2) This Act shall come into operation on a date to be appointed by the Minister by notice in the Gazette.

2. Interpretation.

In this Act—

“**anti-doping**” means the prevention or control of doping;

“**anti-doping organization**” means a signatory to the Code that is responsible for adopting rules for initiating, implementing or enforcing any part of the doping control process and includes —

- (a) the International Olympic Committee;
 - (b) the International Paralympic Committee;
 - (c) the World Anti-Doping Agency;
 - (d) an international sporting federation;
 - (e) a major event organization that conducts testing at its events;
 - (f) the Commission; or
-

- (g) any other National Anti-Doping Organization;
- “anti-doping rules”** means rules related to anti-doping that govern the conditions under which sport is played;
- “Anti-Doping Rules violation”** shall be construed in accordance with section 8;
- “Appeals Tribunal”** means The Bahamas Anti-Doping Appeals Tribunal established under section 23;
- “athlete”** means any person who participates in a sport at—
- (a) an international level; or
 - (b) a national level;
- “Code”** means the World Anti-Doping Code adopted by the World Anti-Doping Agency on March 5th, 2003 at Copenhagen, Denmark and includes any amendments to the Code adopted by the World Anti-Doping Agency from time to time;
- “Commission”** means The Bahamas Anti-Doping Commission established under section 4;
- “competition”** or **“sporting competition”** means a sporting activity consisting of a single race, match, game or athletic contest;
- “Convention”** means the Unesco International Convention against Doping in Sport adopted in Paris on 19 October 2005;
- “Court of Arbitration”** means the Court of Arbitration for sport located in Lausanne, Switzerland established by the International Olympic Committee and the statute of which came into force on June 30th, 1984;
- “Disciplinary Panel”** means The Bahamas Anti-Doping Disciplinary Panel established under section 19;
- “doping”** means the occurrence of one or more of the anti-doping rules violations established under section 8;
- “event”** means a series of individual competitions conducted together under one international sporting federation or National sporting organization or ruling body;
- “international event”** means an event where —
- (a) the International Olympic Committee,
 - (b) the International Paralympic Committee,
 - (c) an International Federation,
 - (d) a major event organization; or
 - (e) another international sport organization,

is the ruling body for the event or appoints the technical officials for the event;

“international level athlete” means an athlete designated by one or more international sporting federations as being within the Registered Testing Pool for an international sporting federation;

“International Olympic Committee” means the organization created by the Congress of Paris on June 23rd, 1894 and entrusted with the control and development of the modern Olympic Games”;

“International Paralympic Committee” means the organization established on September 22nd, 1989, to enable paralympic athletes to achieve sporting excellence and to inspire and excite the world and entrusted with the control and development of the Paralympic Games;

“international sporting federation” in relation to a particular type of sport or event means the sporting body having international control over that sport or event;

“Minister” means the Minister responsible for Sports Promotion and relations with sporting organizations;

“National Anti-Doping Organization” means —

- (a) an entity designated by a state as possessing the primary authority and responsibility to adopt and implement rules in that country which are equivalent to the Anti-Doping Rules, and to direct the collection of samples and the management of test results; and
- (b) where such designation has not been made by the competent public authority of a state, the national Olympic Committee of that state or its designatee;

“national level athlete” means an athlete, other than an international level athlete, who is designated by the Commission or the National Anti-Doping Organization to which he is subject, as being within the Commission’s or organization’s Registered Testing Pool;

“Prohibited List” means the Prohibited List published by WADA which identifies the prohibited substances and prohibited methods, as amended from time to time;

“prohibited method” means any method so described on the Prohibited List;

“Registered Testing Pool” means the pool of athletes established separately by each international sporting federation or National Anti-Doping Organization, as the case may be, who are subject to

both in-competition and out-of-competition testing as part of the test distribution planning of that federation or organization;

“**tampering**” means altering for any improper purpose or in an improper way, bringing improper influence to bear, interfering improperly to alter results or prevent normal procedures from occurring;

“**test or testing**” means the doping control process involving test distribution planning, sample collection, sample handling and sample transport to the laboratory;

“**use**” in relation to a prohibited substance or prohibited method means the application, ingestion, injection or consumption by any means whatsoever of any prohibited substance or prohibited method as the case may be; and

“**World Anti-Doping Agency**” or “**WADA**” means the body founded by the International Olympic Committee and constituted as a foundation in Lausanne, Switzerland by an instrument of foundation signed on November 10, 1999, and named in the instrument as the World Anti-Doping Agency.

3. Convention to have force of law.

The Unesco International Convention against Doping in Sport shall have the force of law in The Bahamas.

PART II - THE BAHAMAS ANTI-DOPING COMMISSION

4. Establishment of The Bahamas Anti-Doping Commission.

- (1) There is established for the purposes of this Act, a body to be known as The Bahamas Anti-Doping Commission which shall be a body corporate.
- (2) The provisions of the *First Schedule* shall have effect as to the constitution and procedure of the Commission and otherwise in relation thereto.

5. Functions of the Commission.

- (1) The Commission shall perform such functions as are necessary to facilitate the control and prevention of doping in sports including —
 - (a) implementing the policies and programmes of the Government against doping in sport;
 - (b) doing all things necessary to comply with and implement any Article of the Code;

- (c) planning, implementing and monitoring information and education programmes aimed at educating athletes, athlete support personnel, parents, the media and the general public in The Bahamas about doping in sport matters, such as —
 - (i) the health consequences of doping;
 - (ii) the harm of doping to the ethical values of sport;
 - (iii) prohibited substances and prohibited methods;
 - (iv) therapeutic use exemptions;
 - (v) nutritional supplements;
 - (vi) doping control procedures and results management;
 - (vii) the athlete's rights and responsibilities with regard to doping in sport, and the consequences of committing an Anti-Doping Rules violation.
- (d) establishing a register for the Registered Testing Pool of national-level and international-level Bahamian athletes who are citizens or residents of The Bahamas and notifying such athletes and relevant national sporting organizations of entries made in the register;
- (e) directing the anti-doping programme of the Government specific to sports including, the conducting of testing of athletes, planning, co-ordinating and implementing the collection of samples, the management of test results and conducting hearings in keeping with the mandatory international standards set out in the Code;
- (f) testing any athlete whether or not he is a citizen or resident of The Bahamas;
- (g) notifying test results to athletes and, as the case may be, governments of countries other than The Bahamas, anti-doping organizations of other countries, or other signatories to the Code in accordance with bilateral or multilateral agreements entered into by The Bahamas with such governments, organizations or signatories;
- (h) entering into reciprocal testing agreements with National Anti-Doping Organizations outside The Bahamas, in relation to any athlete;
- (i) encouraging and facilitating the negotiation by any sporting organization and Anti-Doping Organization of any agreement permitting their members to be tested by authorized doping control teams from other countries;
- (j) co-operating with the testing and education initiatives of WADA and other anti-doping organizations;

- (k) supporting, encouraging, conducting and promoting research about doping in sports matters that contributes to the development and implementation of efficient anti-doping programmes;
 - (l) consulting with, advising and assisting—
 - (i) Government departments and agencies, local authorities, The Bahamas Olympic Association, national sporting organizations and other bodies or persons on any matters concerned with doping in sport issues and related matters;
 - (ii) foreign government and non-governmental organizations and other persons outside of The Bahamas, for the purpose of promoting the adoption of uniform international testing procedures for doping in sports;
 - (m) publishing and making available the Prohibited List and any revision thereof to athletes and as such all athletes shall be deemed to accept the Prohibited List and any amendments made thereto as binding on them;
 - (n) advising the Minister on any doping in sport matters;
 - (o) performing any other functions relating to doping in sport that are conferred on the Commission by this or any other enactment; and
 - (p) generally taking all steps necessary or desirable to achieve the purposes of this Act.
- (2) In the performance of its functions, the Commission —
- (a) shall establish for its use, and for the use of its committees, procedures that are appropriate and fair in the circumstances;
 - (b) shall develop appropriate procedures to —
 - (i) reflect the needs of athletes who are under the age of eighteen years;
 - (ii) reflect the culture and any disabilities or other special concerns of athletes; and
 - (iii) protect the right to privacy of each athlete;
 - (c) may impose fees or charges for the provision of information, advice or other services, requested of the commission (other than for information requested by an athlete relating to the athlete).
- (3) The powers of the Commission may be exercised in a state other than The Bahamas in relation to athletes who are citizens of The Bahamas, subject to the approval of the relevant foreign state or relevant national sporting organization of such state.

6. Commission to make rules.

The Commission may, with the approval of the Minister, make rules (in this Act referred to as "Anti-Doping Rules") for controlling the occurrence of doping in sports and for carrying out the objects of this Act, and without limiting the generality of the foregoing such rules may provide for —

- (a) initiating, implementing or enforcing any part of the doping control process;
- (b) analysis of samples;
- (c) athlete whereabouts information;
- (d) the consequences of violating one or more of the Anti-Doping Rules;
- (e) the assessment of costs for disciplinary hearings; and
- (f) results management.

7. Minister may give directions to Commission.

- (1) The Minister may, after consultation with the Chairman of the Commission, give to the Commission, directions in writing of a general character as to the policy to be followed by the Commission in the performance of its functions, as appear to the Minister to be necessary in the public interest and the Commission shall give effect thereto.
- (2) The directions referred to in subsection (1) shall not relate to —
 - (a) a particular athlete or athlete support personnel;
 - (b) doping control.
- (3) The Commission shall comply with any directions given under subsection (1).

PART III - ANTI-DOPING RULES VIOLATION

8. Anti-Doping rules violation.

For the purposes of this Act, an Anti-Doping Rules violation shall mean an occurrence of any one of the following —

- (a) the presence of a prohibited substance or its metabolites or markers in an athlete's specimen;
- (b) the use or attempted use of a prohibited substance or a prohibited method;

- (c) the refusal or failure without compelling justification to submit to sample collection after notification as authorized in applicable Anti-Doping rules or otherwise evading sample collection;
- (d) the violation of applicable requirements regarding athlete availability for out-of-competition testing, including the failure to provide information regarding an athlete's whereabouts and missed tests which are declared based on reasonable rules which comply with the International Standard for testing;
- (e) tampering or attempting to tamper with any part of doping control;
- (f) the possession of prohibited substance or prohibited methods;
- (g) trafficking in any prohibited substances or prohibited method; or
- (h) the administration or attempted administration of a prohibited substance or prohibited method to any athlete, or assisting, encouraging, aiding, abetting, covering up or any type of complicity involving an Anti-Doping Rules violation or any attempted violation.

9. Automatic individual disqualification.

Where an athlete who competes in an individual sport is found after an in competition test to have committed an Anti-Doping Rules violation, that athlete shall be liable to automatic disqualification of his individual results in that competition.

10. Sanctions on individuals.

An athlete or other person who is found to have committed one or more of the Anti-Doping Rules violations referred to in section 8 during or in connection with an event shall in accordance with rules made by the Commission be liable to —

- (a) disqualification;
- (b) ineligibility; or
- (c) provisional suspension.

11. Consequences to teams.

Where more than one member of a team who competes in a team sport is found to have committed an Anti-Doping Rules violation during an event, the members of the team may be liable to—

- (a) disqualification;
- (b) ineligibility; or
- (c) provisional suspension,

in accordance with the rules made by the Commission.

12. Therapeutic Use Exemption Certificate.

- (1) An athlete with a medical condition requiring the use of a prohibited substance or prohibited method, shall first obtain a Therapeutic Use Exemption Certificate in accordance with the provisions of this Act, the Anti-Doping Rules and the International Standard for Therapeutic Use Exemption, from BADTUEC or as the case may require, the international sporting federation under whose control the athlete competes.
- (2) Notwithstanding the provisions of subsection (1), an international-level athlete or athlete who participates in international events shall apply to the international sporting federation concerned for the Therapeutic Use Exemption Certificate, except in emergency situations, no later than twenty-one days before the athlete's participation in an international sporting event or otherwise provided for in the Anti-Doping rules of that international sporting federation, and provide to BADTUEC a copy of such an application prior to the international event.
- (3) The application for a Therapeutic Use Exemption Certificate from an athlete shall —
 - (a) be made immediately after the athlete becomes aware that the use of a Prohibited Substance or Prohibited Method is required; and
 - (b) subject to any circumstance of emergency, be obtained prior to the athlete's participation in any competition or event.
- (4) Where an athlete who is subject to testing and has been granted a Therapeutic Use Exemption Certificate by an international sporting federation, the athlete shall immediately report the granting of the Therapeutic Use Exemption Certificate to WADA, and to the relevant national sporting organization and shall provide to BADTUEC all the relevant information and documentation.
- (5) Every national level athlete and athlete participating in national events shall obtain a Therapeutic Use Exemption Certificate for the BADTUEC, unless such an athlete has previously received a Therapeutic Use Exemption Certificate from an international sporting federation and such Therapeutic Use Exemption Certificate is still valid and the grant of which has been previously reported to the BADTUEC and the Commission.

13. Application to be made in accordance with international standards.

- (1) An application for a Therapeutic Use Exemption Certificate to the BAD TUEC shall be made in accordance with the International Standard for Therapeutic Use Exemption.
- (2) The athlete on whose behalf the application has been made shall provide written consent for the transmission of—

- (a) all information pertaining to the application to the BADTUEC, and as required, other independent medical or scientific experts and to all necessary staff involved in the management or review of Therapeutic Use Exemptions;
- (b) the decision of BADTUEC to be distributed to WADA and to other relevant Anti-Doping Organizations under the provisions of the Code.

14. Appointment of the Bahamas Anti-Doping Therapeutic Use Exemption Committee.

- (1) The Commission shall appoint a Committee to be known as the Bahamas Anti-Doping Therapeutic Exemption Committee (in this Act, known as "BADTUEC") consisting of six duly qualified medical practitioners.
- (2) The appointment of every member of the BADTUEC shall be evidenced by an instrument in writing, which shall state the period of office of the member not exceeding three years, as the Commission may specify in the instrument and each member shall be eligible for re-appointment.
- (3) The Commission shall appoint one of the members of the BADTUEC to be the Chairperson thereof.
- (4) The BADTUEC shall act independently of the Commission and shall not have any other official responsibility within the Commission.
- (5) Where any member of the BADTUEC is connected with an athlete (having regard to their familial, business or other relationship) or has an interest in any national sporting organization or international sporting federation, such a member is excluded from considering any application for Therapeutic Use Exemption from that athlete or as the case may be any athlete who is a member or participant in a sporting event organized or sanctioned by the international sporting federation or national sporting organization in which he has an interest.

15. Functions of BADTUEC.

The functions of the BADTUEC shall be to —

- (a) receive and examine applications from national-level athletes for Therapeutic Use Exemption Certificates;
- (b) grant Therapeutic Use Exemption Certificates;
- (c) revoke Therapeutic Use Exemption Certificates;
- (d) perform any other functions that are conferred or imposed on it by this Act.

16. Notification of Therapeutic Use Exemption.

- (1) The BADTUEC shall promptly notify the Commission of its decision to grant a Therapeutic Use Exemption Certificate.
- (2) The Commission upon being notified by the BADTUEC of the grant of a Therapeutic Use Exemption Certificate shall notify WADA thereof.

17. WADA may review and reverse TUE Certificates.

Where the BADTUEC has made a decision to grant or deny the grant of a Therapeutic Use Exemption Certificate to an athlete, WADA, at the request of the athlete or on its own initiative, may review the grant or denial of the Therapeutic Use Exemption Certificate and where WADA determines that the granting or denial of such Therapeutic Use Exemption Certificate did not comply with the International Standard for Therapeutic Use Exemption in force at the time then, WADA may reverse the decision to grant or to deny the Therapeutic Use Exemption Certificate.

18. Recognition of results of other Anti-Doping Organizations.

The Commission shall recognize the results of laboratory analysis by other anti-doping organizations once conducted in accordance with the WADA International Standard for Testing.

PART IV - DISCIPLINARY PANEL

19. Establishment of The Bahamas Anti-Doping Disciplinary Panel.

- (1) There is established for the purposes of this Act a body to be called The Bahamas Anti-Doping Disciplinary Panel (hereinafter referred to as the "Disciplinary Panel").
- (2) The provisions of the *Second Schedule* shall have effect to the constitution and procedure of the Disciplinary Panel and otherwise in relation thereto.

20. Commission to refer findings to Disciplinary Panel

Where it appears that there has been an Anti-Doping Rules violation, the Commission shall refer the matter to the Disciplinary Panel.

21. Functions of the Disciplinary Panel.

- (1) The functions of the Disciplinary Panel shall be —
 - (a) to receive, examine and hear evidence relating to an Anti-Doping Rules violation;

- (b) to conduct disciplinary hearings related to Anti-Doping Rules violations referred to it by the Commission;
 - (c) to determine whether a violation of the Anti-Doping Rules has occurred;
 - (d) to impose consequences of Anti-Doping Rules violations;
 - (e) to perform any other functions that are conferred or imposed on the Disciplinary Panel by this Act.
- (2) The Disciplinary Panel on receiving a written reference from the Commission asserting an Anti-Doping rules violation shall —
- (a) within fourteen days of the date of receipt of the reference, commence a hearing;
 - (b) within twenty days of the date of receipt of the reference, issue a written decision;
 - (c) within thirty days of the date of receipt of the reference, issue written reasons for the decision given in paragraph (b).

22. Appeals.

- (1) Subject to section 20, where —
- (a) any athlete or other person who is the subject of the decision being appealed;
 - (b) the Commission;
 - (c) the relevant international sporting federation;
 - (d) the relevant national sporting organization;
 - (e) The Bahamas Olympic Association;
 - (f) WADA,
- is aggrieved by a decision of the Disciplinary Panel, that person or body may within fourteen days of the decision of the Disciplinary Panel and in the prescribed manner, lodge an appeal with the Appeals Tribunal established under section 23 against any decision of the Disciplinary Panel.
- (2) Every decision of the Disciplinary Panel in respect of an Anti-Doping Rules violation shall remain in effect during the appeal process unless the Appeals Tribunal otherwise orders.

23. Establishment of Anti-Doping Appeals Tribunal.

- (1) For the purposes of an appeal under section 23, there is established an Appeals Tribunal to be known as “The Bahamas Anti-Doping Appeals Tribunal” constituted in accordance with the *Third Schedule*.
- (2) The functions of the Appeals Tribunal shall be—

- (a) to hear and determine issues arising from a decision of the Disciplinary Panel —
 - (i) that an Anti-Doping Rules violation was or was not committed;
 - (ii) imposing consequences of an Anti-Doping Rules violation;
 - (iii) that an anti-doping organization lacks jurisdiction to rule on an Anti-Doping Rules violation or consequences of an Anti-Doping Rules violation;
 - (iv) to impose a provisional suspension as a result of a provisional hearing;
 - (b) to determine the consequences of an Anti-Doping Rules violation to be imposed;
 - (c) to perform any other functions that are conferred or imposed on the Appeals Tribunal by virtue of this Act.
- (3) The Appeals Tribunal shall, on the lodging of an appeal—
- (a) within twenty-one days of lodging, receive, hear and examine the evidence relating to the appeal;
 - (b) within thirty days of the date of lodging, issue written reasons for the decision.
- (4) An appeal shall not in its entirety exceed three months except in extenuating circumstances.

24. Appeals of international athlete.

Where an appeal is in respect of an international event or a case involving an international-level athlete, the decision of the Disciplinary Panel may be appealed directly to the Court of Arbitration.

25. Confidentiality.

- (1) Every —
- (a) member of the Commission;
 - (b) officer and employee of the Commission;
 - (c) expert retained by the Commission to assist in its investigations and deliberations;
 - (d) member of the Appeals Tribunal;
 - (e) member of the Disciplinary Panel,
- shall keep secret and confidential all information coming to his knowledge in the course of the administration of this Act, except in so far as the Commission authorizes that person to release any such information.

- (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars.

26. Regulations.

The Minister may make regulations generally for giving effect to the provisions of this Act and without prejudice to the generality of the foregoing, the regulations may provide for—

- (a) the determination and collection of fees and charges in connection with the exercise of the functions of the Commission;
- (b) the keeping of such records as the Minister may require for the purposes of this Act;
- (c) the forms to be used for the purposes of this Act;
- (d) anything required by this Act to be prescribed.

FIRST SCHEDULE

(section 4(2))

CONSTITUTION AND PROCEDURE OF THE BAHAMAS ANTI-DOPING COMMISSION

1. Constitution of Commission.

The Commission shall consist of the following members—

- (a) a Chairman, who shall be appointed by the Governor-General on the advice of the Minister;
- (b) _____ persons, who the Minister is satisfied are of high integrity and able to exercise sound judgment in fulfilling their responsibilities under this Act (hereinafter referred to as “appointed members”); and
- (c) the _____, *ex officio*.

2. Temporary appointment to the Commission.

Where the Chairman or any other member of the Commission is absent or unable to perform his duties, the Governor-General may, on the advice of the

Minister, appoint another person to act in the place of the Chairman or the other member.

3. Tenure of office.

- (1) A member of the Commission shall be appointed by the Minister by instrument in writing and shall hold office for a period not exceeding three years unless he resigns or his appointment is revoked in accordance with paragraph 6.
- (2) Every member shall be eligible for reappointment.

4. Quorum.

The quorum shall consist of five members including the Chairman or any person appointed to act as Chairman, who shall preside at all meetings.

5. Resignation.

- (1) The Chairman may at any time, by instrument in writing addressed to the Governor-General, resign his office as Chairman of the Commission.
- (2) A member of the Commission other than the Chairman may at any time resign his office as member by instrument in writing addressed to the Governor-General and transmitted through the Chairman.
- (3) Where the Chairman ceases to be a member he shall also cease to be Chairman.
- (4) The resignation of the Chairman or a member of the Commission shall take effect from the date of the receipt of the instrument of resignation by the Governor-General.

6. Revocation.

The Governor-General may at any time revoke the appointment of any member of the Commission if such member —

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) is convicted and sentenced to a term of imprisonment;
- (c) fails without reasonable excuse to carry out any of the functions conferred or imposed on him under this Act; or
- (d) engages in such activities as are reasonably considered prejudicial to the interest of the Commission.

7. Gazetting of membership.

The names of all members of the Commission as first constituted and every change thereafter, shall be published in the Gazette.

8. Decisions.

The decisions of the Commission shall be by a majority of votes, and in the event of an equality of votes the Chairman shall have a casting vote.

9. Signature and Seal.

All decisions made by the Commission and all documents of the Commission shall be signed by the Chairman or any other person so authorized to act.

10. Procedure.

Subject to the provisions of this Act, the Commission may regulate its own proceedings.

SECOND SCHEDULE

(Section 19)

**CONSTITUTION OF THE BAHAMAS ANTI-DOPING DISCIPLINARY
PANEL**

1. Constitution of Disciplinary Panel.

The Disciplinary Panel shall consist of not more than seven persons as follows

- (a) a chairman, who shall be appointed by the Governor-General who is a legal practitioner of at least 10 years of standing;
- (b) three persons each of whom have been duly qualified medical practitioners for not less than five years; and
- (c) three persons each of whom shall be or has previously been a sports administrator or an athlete.

2. Temporary appointment to the Disciplinary Panel.

Where the Chairman or any other member of the Disciplinary Panel is absent or unable to perform his duties, the Governor-General may, on the advice of the Minister, appoint another person to act in the place of the Chairman or the other member, so that such appointment shall be made in the same manner and from among the same category of persons as would be required in the case of the substantive appointment.

3. Tenure of office.

- (1) A member of the Disciplinary Panel shall be appointed by the Governor-General by instrument in writing and shall hold office for a period not exceeding three years unless he resigns or his appointment is revoked in accordance with paragraph 5.
- (2) Every member shall be eligible for reappointment.

4. Resignation.

- (1) The Chairman may at any time, by instrument in writing addressed to the Governor-General, resign his office as Chairman of the Disciplinary Panel.
- (2) A member of the Disciplinary Panel, other than the Chairman may at any time resign his office as member by instrument in writing addressed to the Governor-General and transmitted through the Chairman.
- (3) Where the Chairman ceases to be a member he shall also cease to be Chairman.
- (4) The resignation of the Chairman or a member of the Commission shall take effect from the date of the receipt of the instrument of resignation by the Governor-General.

5. Revocation.

The Governor-General may at any time revoke the appointment of any member of the Disciplinary Panel if such member —

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) is convicted and sentenced to a term of imprisonment;
- (c) fails without reasonable excuse to carry out any of the functions conferred or imposed on him under this Act; or
- (d) engages in such activities as are reasonably considered prejudicial to the interest of the Disciplinary Panel.

6. Gazetting of membership.

The names of all members of the Disciplinary Panel as first constituted and every change thereafter, shall be published in the Gazette.

7. Remuneration.

There shall be paid to the members of the Disciplinary Panel such remuneration (whether by way of honorarium, salary, fees or allowances) as the Minister may determine.

THIRD SCHEDULE

(section 23(2))

CONSTITUTION OF THE BAHAMAS ANTI-DOPING APPEAL TRIBUNAL

1. Constitution of Appeals Tribunal.

The Appeals Tribunal shall consist of five persons —

- (a) a chairman, who shall be appointed by the Governor General and has served as either a Judge of the Supreme Court or of the Court of Appeal;
- (b) one person, who has served in the post of Director of Legal Affairs or a senior member of staff of the Office of the Attorney-General;
- (c) one person, who has served in sports administration for at least ten years;
- (d) two persons, who have served in sports medicine for at least ten years.

2. Temporary Appointment to Appeals Tribunal.

Where the Chairman or any other member of the Appeals Tribunal is absent or unable to perform his duties, the Governor-General may, on the advice of the Minister, appoint another person to act in the place of the Chairman or the other member, so that such appointment shall be made in the same manner and from among the same category of persons as would be required in the case of the substantive appointment.

3. Tenure of office.

- (1) A member of the Appeals Tribunal shall be appointed by the Governor-General by instrument in writing and shall hold office for a period not exceeding three years unless he resigns or his appointment is revoked in accordance with paragraph 5.
- (2) Every member shall be eligible for reappointment.

4. Resignation.

- (1) The Chairman may at any time, by instrument in writing addressed to the Governor-General, resign his office as Chairman of the Appeals Tribunal.
- (2) A member of the Appeals Tribunal other than the Chairman may at any time resign his office as member by instrument in writing addressed to the Governor-General and transmitted through the Chairman.



- (3) Where the Chairman ceases to be a member he shall also cease to be Chairman.
- (4) The resignation of the Chairman or a member of the Appeals Tribunal shall take effect from the date of the receipt of the instrument of resignation by the Governor-General.

5. Revocation.

The Governor-General may at any time revoke the appointment of any member of the Appeals Tribunal if such member—

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) is convicted and sentenced to a term of imprisonment;
- (c) fails without reasonable excuse to carry out any of the functions conferred or imposed on him under this Act; or
- (d) engages in such activities as are reasonably considered prejudicial to the interest of the Appeals Tribunal.

6. Gazetting of membership.

The names of all members of the Appeals Tribunal as first constituted and every change thereafter, shall be published in the Gazette.

7. Remuneration of members.

There shall be paid to the members of the Appeals Tribunal such remuneration (whether by way of honorarium, salary, fees or allowances) as the Minister may determine.

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OBJECTS AND REASONS

This Bill seeks to implement a regime to discourage the use of drugs and doping methods in sport in The Bahamas. Recognizing that The Bahamas is a signatory to both the UNESCO International Convention against doping in sport as well as the Copenhagen Declaration on Anti-Doping in Sport, this Bill seeks to provide for domestic law which is aligned with the World Anti-Doping Code.

The Bill is divided into five parts. Part I provides the short title of the Bill, the words and definitions which have been used in the Bill and also provides that the UNESCO International Convention against doping in Sport shall have the force of law in The Bahamas.

Part II of the Bill seeks to establish a corporate body to be called The Bahamas Anti-Doping Commission which would be responsible for the administration of anti-doping in The Bahamas. Some of the functions of the Commission would include *inter alia*, the implementation of Government's policies and programmes in the fight against doping in sport as well as ensuring that The Bahamas satisfies any obligations that may arise by virtue of being a signatory to the Convention and by extension the World Anti-Doping Code. In addition, the Commission is enabled to make rules to further govern anti-doping in sport in The Bahamas.

Part III of the Bill provides for the Anti-Doping rules violations; what constitutes an anti-doping rules violations and the consequent sanctions imposed on athletes who are found to have committed an Anti-Doping Rules violation. This Bill also provides for Therapeutics Use Exemption Certificates and the procedures for requiring same.

Recognizing that every athlete who is found to have committed an Anti-Doping Rules violation has a right to be heard, Part IV of the Bill seeks to provide for the establishment of both a Disciplinary Panel and an Appeals Tribunal.

Part V of the Bill seeks to make the disclosure of any information obtained in the course of the administration of this Bill an offence punishable on summary conviction. This Part also seeks to make provision for the Minister to make any regulations under this Bill.

The First, Second and Third Schedules set out the composition and procedure of The Bahamas Anti-Doping Commission, the Disciplinary Panel and the Appeals Tribunal, respectively.