

[VERBATIM REPORT]

MEETING OF THE S/C ON JUSTICE, LAW & HUMAN RIGHTS

BILL

Anti-Doping Bill 2024 (Bill No. 1 of 2024)

INSTITUTION: **Sporting Organisations in Fiji**

VENUE: **Grand Pacific Hotel [GPH]**

DATE: **Friday, 14th June, 2024**

VERBATIM REPORT OF THE STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS PUBLIC CONSULTATION HELD AT THE GRAND PACIFIC HOTEL (GPH) ON FRIDAY, 14TH JUNE, 2024, AT 11.25 A.M.

Present

- | | | | |
|----|-------------------------------|---|-------------------|
| 1. | Hon. Ratu R.S.S. Vakalalabure | - | Chairman |
| 2. | Hon. S. Kiran | - | Government Member |
| 3. | Hon. F.S. Koya | - | Opposition Member |
| 4. | Hon. M.D. Bulitavu | - | Opposition Member |

Interviewee/Submittee: Sporting Bodies

In Attendance

- | | | | |
|-----|--------------------|---|---|
| 1. | Hon. J. Saukuru | - | Minister for Youth and Sports |
| 2. | Mr. P. Hereniko | - | Director of Youth and Sports |
| 3. | Mr. J. Koroitamana | - | Senior Sports Officer, Ministry of Youth and Sports |
| 4. | Ms. C. Wong | - | Vice-President, FASANOC & VP TAFISA World |
| 5. | Ms. M. Lenoa | - | President, FASANOC |
| 6. | Mr. P. Mazey | - | FRU Trust Board Chairman |
| 7. | Mr. R. Singh | - | Fiji National Rugby League Representative |
| 8. | Mr. A. Voresara | - | Ministry of Education |
| 9. | Ms. N. Alfred | - | Fiji Darts Association/Principal Doping Control Officer |
| 10. | Mr. S. Rokoro | - | CEO, Cricket Fiji |
| 11. | Ms. E. Levaci | - | In-Country Manager, National Rugby League Fiji |
| 12. | Ms. V. Koster | - | CEO, Netball Fiji |
| 13. | Mr. Epli | - | Ministry of Health and Medical Services |
| 14. | Mr. H. Elder | - | Representative, Weightlifting Fiji |
| 15. | Mr. A. Miller | - | Representative, Athletics Fiji |

MR. J. KOROITAMANA.- The honourable Minister, honourable Ministers, honourable Members of the Parliamentary Standing Committee, the honourable Chief Guest and Director for the United Nations Population Fund Pacific (UNFPA), the Permanent Secretary, ladies and gentlemen; it is an honour for me to kindly present the Anti-Doping Bill 2024 (Bill No. 1/2024). I think it has been overdue and I reckon that it is more proper for us to pick up again on the effort that has been spent in the past years in order for us to come up with this draft Bill.

Before coming up with the Bill, there was a policy on NADO which was passed in Cabinet on 9th June, 2023. The Policy highlighted the need for establishing a national antidoping organisation. This is where the Bill has to come up with, with the primary function and responsibility is to promote clean sports, prevent doping and ensure compliance with international anti-doping standards.

As I have mentioned, I need to take you back to the summary of the Bill. In 2016, the Anti-Doping Bill was developed. It was developed by a certain Executive Officer for some NSO, and then in 2016 to 2024, Drugs Free Sports Fiji. I think we need to put our hands together for this volunteer organisation who are not paid but they are commissioned by FASANOC.

(Acclamation)

They were doing a marvellous job by coordinating doping on behalf of the Fiji Government.

In late 2016, the NADO Policy was developed. The Ministry thought that we need to hold the Bill and carry forward with the Policy, pass the Policy and then go back to the Bill.

In 2023, NADO Bill was approved. In June, the NADO Working Committee was formed to work on the Bill. Ladies and gentlemen, the Bill, as you can see, probably I will email a copy on that, is under Drug Free Sports Fiji (DFSF). The reason being is that they have been carrying out the work on doping on behalf of the Fiji Government and it is more appropriate to recognise and formalise Drug Free Sports Fiji. So, the NADO organisation will be named after Drug Free Sports Fiji.

On 13th July, 2023, the NADO organisation's Concept Note was developed, which was approved within the Ministry. Then on 13th July, 2023, the NADO Working Committee's Terms of Reference (TOR) was approved and then we appointed the Working Committee. The Working Committee consisted of the Executives of NSO and also the Ministry's PS and Director.

On 27th July, 2023, the NADO Working Committee was established. On 9th August, 2023, the NADO Bill consultation with the Office of the Solicitor-General's commenced. So, it has taken a lapse of years from 2016, and we recommenced from 2023 for the progression of the NADO Bill.

On 19th December, 2023, the approved Draft Bill from SG's Office was sent to the World Anti-Doping Agency (WADA). We needed to consult WADA on the development of the NADO Bill. If we blindside that area without consulting WADA, we could be sanctioned from the world international sporting body. As mentioned by Mr. Peter Masey that we were almost sanctioned by WADA in terms of participating in any world event.

On 14th February, 2023, approved Bill from WADA was received by your Ministry. On 4th April, 2024, consultation with the Fiji Sports Commission and FASNOC. This is prior to Parliament submission - through SG's submission and to Parliament for discussion and approval.

On 20th April, 2024, the Draft Bill was referred to Parliament for approval. Then on 3rd June, 2024, the Permanent Secretary, the Director and myself were sent an invitation from the Standing Committee to make clarifications on the NADO Bill, and that is where we are now. Thank you, Standing Committee, for attending this important consultation.

The Bill is divided into five Parts.

Part 1 comprise of the short title and its commencement, as well as the definitions and terms used in the Bill.

Part 2 comprise of the establishment of Drug Free Sports Fiji (DFSF) as the National Anti-Doping Organisation. It explains about DFSF, its objective, functions and powers.

Part 3 of the proposed Bill establishes the board or the organisation and provides for its membership, rules, meetings and procedure. Still on the board, in the coming weeks as approved by the Standing Committee, and thank you so much for that, we will be advertising the Board of Directors, and you are all welcome to apply for the position as NADO Board members.

Part 4 of the Bill is the proposal of the Bill for the accounts and the finance of the organisation. This is the operations within the organisation. There will be audit, through the approval of the Minister.

Then the last part of the Bill empowers the Minister to make regulation to give in case we need to make an adjustment via amendment on the Bill, it empowers the Minister to do so. That brings us to the end of the Bill presentation. Now, I will invite the Parliament Standing Committee to take us through the consultation process, *vinaka*.

MR. CHAIRMAN.- *Vinaka Vakalevu*. The honourable Minister, *ni bula vinaka saka*. Ladies and gentlemen from our sporting bodies in Fiji a very good morning and thank you very much for the invitation from the Standing Committee of Parliament to be part of your conference as we are handling your Anti-Doping Bill.

Ladies and gentlemen, I will now introduce ourselves.

(Introduction of the Committee Members by Mr. Chairman)

In the last sitting of Parliament, the Anti-Doping Bill was tabled, and it was referred to this Committee for scrutiny and amendment, if needed, before it is passed. We have met with Officials from the Ministry of Youth, as was alluded to, and we are here to hear your views on the final form of the Bill before we make an amendment, if need be, or before it is passed in Parliament. The expected time for the Bill to be returned to Parliament is in the August Parliament Sitting.

We are here this morning, ladies and gentlemen, to hear your views on the final form of the Bill. We understand and we have been notified that the Bill has been sent to your respective organisations and you might have gone through the Bill yourselves.

As alluded by Mr. Koroitamana, it is a fairly a straightforward Bill, just five Parts and it basically deals with antidoping organisations, or it is reflected in the Bill as Drug Free Sport Fiji (DFSF). So, ladies and gentlemen, today is not about hearing from us, we are here to hear from you because once we go back from here, that is it. This Bill is for you. It will affect your relevant sports organisations.

Your say is very important. Some of you were consulted during the consultation process. It is, therefore, relevant for the Committee to come and hear whether your views have been reflected in this Bill. I will not take up much time because the Committee was only invited, and we have only been given one hour for this consultation. However, with the courtesy of the honourable Minister, probably, he can extend the time, but we are here to hear from you, ladies and gentlemen.

I will now open the floor to you, ladies and gentlemen, and for those of you who have seen and read the Bill, for your comments, questions and clarifications. Are you satisfied with what is incorporated in the Anti-Doping Bill 2024? It has been a long time coming. The historical background of this Bill is that it started in 2016, and it is in 2024 now.

What we understand is that there is an urgent need to pass this Bill and for it to become an Act because the Olympics is coming up in September. However, we are here to hear from you, ladies and gentlemen. Should you wish to raise any points, please, raise your hands. The ushers will hand you the microphones and before you speak, please, state your name and your sporting organisation, for record purposes of Parliament. I now open the floor, ladies and gentlemen.

Submittee No. 1: Ms. Cathy Wong
Vice-President, FASANOC and Vice-President TAFISA World

MS. C. WONG.- Good morning and thank you for bringing the Bill some attention which has been long awaited. *Vinaka vakalevu.*

Just in reference to the Bill, on Page 5 on the Board, perhaps, if I can seek clarification, and I quote:

“There must be a board of the DFSF that comprises the following members appointed by the Minister –

- (a) a chairperson;
- (b) a vice chairperson;
- (c) an athlete representative...”

May I ask the honourable Members of the Standing Committee, is this athlete representative is an active athlete or a recently retired athlete? The reason for my seeking clarification is, if it is an active athlete, there will be a direct conflict of interest. So, if I could get some clarification on that one? Thank you.

MR. CHAIRMAN.- Thank you very much, Ms. Wong, for your question. DFSF, are you present in the room?

I apologise, just for clarification purposes, what page are you alluding to?

MS. C. WONG.- On Page 5 – Part 2 – Clause 5 of the Bill. Is the page different from yours, Sir? It is the composition of the Board.

MR. CHAIRMAN.- I am just clarifying this, you are saying Clause 5 of the Bill.

Ladies and gentlemen, there seems to be some misunderstanding. What we have here with us is the Bill that was tabled in Parliament. I believe, you have a different version. The part that you are referring to, according to the Bill that was tabled in Parliament from the SG’s Office, is Clause 7 – on the composition of the Board. I understand that that must be another version, but as Parliament Members, we will only work with what has been tabled in Parliament. So, it is Clause 7, and I understand that you are talking about an athlete representative in the Board, whether there will be a conflict of interest.

MS. C. WONG.- No, Sir, if it is an active athlete and when I say an ‘active athlete’, it means that an athlete who is actually seen actively participating and competing in events where as opposed to a recently retired athlete who is not actively participating, but representing the Ethics Commission. The reason why I say that, if it is an ‘active athlete’ and they are on this Board, then that is direct conflict of interest. Thank you, Sir.

MR. CHAIRMAN.- Thank you very much, Ms. Wong. That was also one of the things the Committee picked up and probably, the team who came up with the Bill can answer that question, because according to the Bill that we have, there is no interpretation as to the athlete. That is a very

good question. We were also noting that so, maybe, the team from DFSF (Drug Free Sport Fiji) can answer that question for us.

MR. P. HERENIKO.- Thank you, Mr. Chairman, and thank you for the question. On the need for a clarification, we are not from DFSF, but we have been working quite closely with DFSF on the Bill. We will take that for point into consideration. In actual fact, this is an advice that came from the Office of the Solicitor General, being the highest legal office of the State. So, that point is considered, we will ensure that this goes back and then see how best we can reflect the issue that has been raised. Thank you.

MS. C. WONG.- Thank you, much appreciated.

HON. F.S. KOYA.- As Mr. Chairman had pointed out, we had raised that our Committee. Just for the purposes of everyone to know that the thinking of the Committee was that when you actually refer to someone as an athlete representative, the definition needs to be in the Act and how does it actually work, like Cathy had pointed out, whether it is a athlete representative.

The question that also arose from our perspective, just so everyone knows, that you need to say this to us today is that, when you speak of an athlete representative, do we have athlete, when you say athlete, whether it is a football player or a rugby player or a track and field athlete, you need to define that, or do you have bodies that actually represent players and athletes? Is there anyone here who is part of an association that says, 'football players association' or 'rugby players association'? I am not sure if we do. So, how does it is defined needs to be told to us and how you want it defined?

Ladies and gentlemen, today, the forum is for you to say, "look, we would prefer that it be from x, y or z, or all the ideas that you have. So, you need to put forward to the Secretariat as quickly as possible because that is a very important question and that is the question that we spoke about yesterday that we were going to ask of you in any event.

Submittee No. 2: Ms. Makarita Lenoa
President, FASANOC

MS. M. LENOA.- *Bula vinaka*, I serve on the FASANOC Executive Board. In regard to the comments that have been raised, FASANOC has an Athletes Commission, and we also have an Olympians Association, who are retired Olympians or athletes that had taken part in the Olympic Games. So, they would be retired athletes – the members of the Olympians Association. We also have current and retired athletes who are in the FASANOC Athletes Commission. So, we have two groups there.

HON. F.S. KOYA.- I think it all depends on the interpretation. Apart from FASANOC, it would be nice to hear from the Fiji Rugby Union or Fiji Football or some of the biggest sporting bodies as to how they would want it interpreted because you must remember, the board composition is actually, as it stands right now, it says, "a chairperson, a vice chairperson, an athlete representative, three members who have expertise in either law, pharmacology, sports medicine, investigations or education; and the chief executive officer", who sits there as ex-officio member.

Whilst it is in its form now, you need to really speak up about it because it may be a situation which we have to look at as a committee, where we do not want to be sitting there and thinking about

all of these, where this particular body becomes judge, jury and executioner. You do not have any representation from players or athletes. I know in Fiji, we do not really have too many players associations, it is not that many, but these are questions that you need to tell us about or recommend to us, so that the Committee can actually deal with it because this particular body needs to be representative equally. It is not just about punishing someone, it is about making sure that they are represented properly and athletes are represented in the actual Board so that a proper and a fair hearing is given. I think everyone understands what I am saying. So, it will be nice to hear from the Fiji Rugby Union, maybe Fiji Football, and some of the other bigger associations but, FASANOC is actually saying that.

Submittee No. 3: Mr. Rajesh Singh
Fiji National Rugby League

MR. R. SINGH.- Rajesh Singh from the Fiji National Rugby League. I think rugby is number one, biggest sporting organisation, we have Soccer, Rugby League and Netball but I think that will be good to have someone from the players side, from one or two sports organisations that represent everyone. My question would be on the three-member Board, I mean, I am not picking on anyone here but as we have seen like last year, all these things came up that there was one of the members of the Fiji Football Vice-President, was also in the FIFA Ethics Committee, and was a drug dealer himself – Mr. Musa. So, these kinds of things, I would like to encourage the Committee and the honourable Minister, that before we select anyone in this kind of Committee, when we say anti-doping, we make sure we even test our officials too and also check their background. That is very important, because if you want to do it to the players, it should start from the top.

MR. CHAIRMAN.- Thank you very much, we take note of that, Mr. Singh. Are there any other views with regards to the Bill?

Submittee No. 4: Mr. Aminiasi Voresara, Ministry of Education

MR. A. VORESARA.- The honourable Minister for Youth and Sports, Mr. Chairman and honourable Members of Parliament, and dear participants; I am from the Ministry of Education. First and foremost, I would like to commend the Ministry for the great initiative and very timely, given the prevalent issues of drugs in Fiji, as we speak. Their work needs to be commended, and we hope it is just very timely indeed.

At the same time, we would like to see how best we can use schools' sports participation, which can be the first line of defence that can be included in the pursuit of undertaking the implementation of the Bill. As we speak, I would like to see, or if there is a possibility on how best the Anti-Doping Bill 2024 can trickle down to ensure that while waiting for international and professional sporting bodies to do the needful, our students are at the high risk, as we speak.

In that regard, we need to take note of the fact that for the school system, that is what we call the 'consent' in order for a child to participate in sports, and for that matter, in the testing, whether this is also reflected or captured in the interpretation of the Bill because in the interpretation of an athlete, anyone who plays sports is an athlete. For that reason, we, the students in schools and the school system, are also captured but whether that consent part – the consent of a child, as per our school policy is concerned, is captured in the existing Bill?

MR. CHAIRMAN.- *Vinaka vakalevu*, Sir. Just a contribution; in the Bill, Clause 22(2) highlights, and I quote:

“DFSF must obtain prior written consent from a child’s parent or legal guardian for the participation of the child in any testing or procedure required under this Act.”

With regards to what you are saying about the mechanisms in place before, at the schools, probably we will just hear from the representatives from the Ministry on what the gentleman from the Ministry of Education is asking. Is this being highlighted in the Bill? Whether your Anti-Doping Bill 2024 will capture the secondary schools’ rugby and athletics? What are your thoughts on that?

MR. J. KOROITAMANA.- Mr. Chairman, yes, the idea that has been raised by the Ministry of Education, we believe, has been captured in Clause 22 of the Bill, given that when we are talking about a child, he or she is basically someone who is below the age of 18 years, and that covers our children in schools. However, this will be better effective when the National Anti-Doping Organisation is established. It is going to be part of the actions that they will implement, and one of them is education, which will probably trickle down into schools.

MR. CHAIRMAN.- Thank you very much. Any other views?

**Submittee No. 5: Ms. Nyla Alfred,
Fiji Darts Association and Principal Doping Control Officer**

MS. N. ALFRED.- Mr. Chairman, I am just Clause 22 – Protecting needs and privacy of athletes, in states in Subclause 2, and I quote

“DFSF must obtain prior written consent from a child’s parent or legal guardian for the participation of the child in any testing or procedure required under this Act.”

For your information, when an athlete is chosen for doping control, it comes from their international federation and when Doping Control Officers go out into the sporting competition, the Doping Control Officer does not know how old the athlete is. However, if the athlete mentions that they are below the age of 18 years, the requirement is that they must have an athlete support personnel with them. There is no parent around for them to go and get their parent’s consent or legal guardian’s consent for the participation of doping control. So, I am just wondering how that would be effected if this is in the Bill?

HON. F.S. KOYA.- I think that is a very important point. One other thing that you must realise is that this particular Bill is really about setting up the DFSF. Now, surrounding all of that, there will be a whole lot of regulations that are actually going to be put in place and this is why we need as much input as we can from you with respect to what we can put into this particular Act because this is the vessel that will actually guide the testing or get the testing done with DFSF. So, the regulation would cover what you have just raised regarding children, testing, et cetera.

We all know that, especially in Fiji, we have got the Coca Cola Games that actually happens where you have tremendous number of athletes participating. The other question that needs to be asked, is it compulsory testing for everyone or is it random testing? How do we do that? So, the regulations will need to cover it. So, you need to come forward and say to us now that the preference is x, y or z, or look at other jurisdictions as to how it is done. In most places, I think it is randomly

tested, and with respect to children, this is again something that we spoke about yesterday, it is important, because bearing in mind some of our children are actually athletes on the main fields. How do they get tested, the rights of privacy, all of that.

As Mr. Chairman pointed out earlier, we want to hear your opinion as to what it should be and as a guideline, I think we have got quite a few jurisdictions around the world that have actually dealt with this and how they have done it. So, those who are actually needing to amend this, who actually form the regulations, will do so.

With respect to children, yes, the Ministry of Education has programmes in here. The actual Board goes through an awareness programme and I think that is where we need to start. When it comes to children also, there are some things that may happen completely out of inadvertence. A parent might give them a medicine of some sort that will cause them to fall foul of this, so the process of education is very important.

I think if you look at Part 4 - Miscellaneous, Clause 21, that is where the Minister, after consultations with DFSF, can make the regulations, et cetera. So, the regulation will cover a lot of things. But, again, it is important that we hear from you as to how you think it should be done because we can only recommend it in the Bill and say, "this needs to be amended or that needs to be amended", but it is a very huge point with respect to the children's issues as soon as they turn or if they are under 18 years old, they cannot be treated like normal adults. I hope that helps your question.

MR. CHAIRMAN.- Vinaka. Any more views?

Submittee No. 6: Mr. Sitiveni Rokoro, CEO, Cricket Fiji

MR. S. ROKORO.- *Bula vinaka*. I have two suggestions on the Bill. As we are talking about Clause 22, on the copy that I have, what is the possibility of revising the word "child" to "minor"? In Clause 23 – Sharing evidence and information, the copy that I have, is there a possibility of changing "customs officer" to "border security" so that it covers all the aspects of border security, not only customs but customs, immigration, the naval services, health, et cetera?

MR. CHAIRMAN.- Thank you, Sir, for your suggestion, the Committee is taking that on board. Any other views?

HON. F.S. KOYA.- From our perspective, and if I could take you all to Clause 5(f) in terms of the functions of the DFSF, there is a particular provision that was put in by the Drafters where the DFSF is to, and I quote:

"coordinate with the Fiji Police Force, Fiji Revenue and Customs Service, local sports entities and other anti-doping organisations to investigate complaints of doping in sports in Fiji."

We have some thought and question as to why it needs to involve the Fiji Police Force and Fiji Revenue and Customs Service because, remember, this is not a criminal offence. You are not going to be charged with a criminal offence, it is something to do with the sporting body. So, the minute you start adding the 'Fiji Police Force' and the 'Fiji Revenue and Custom Services', it has different connotations. So, your thoughts with respect to that, that is an issue that the Committee

raised that maybe, that ought not to be there, but we would love to hear from you as to what your thoughts are, why does it need to involve the Fiji Police Force?

This is DFSF that needs to be empowered to do drug testing for sport. Please, remember that. It is not a criminal offence, but it will be something that is going to sanction you for the rest of your life in terms of sport, about your career, et cetera. You must remember that, so I do not know why that particular portion was included. So, as a Committee, we had a discussion about this yesterday, and we would like to hear from you whether there is a preference that you include that, even for investigative purposes.

The Police Force has a different connotation completely, and at the moment, it is saying the functions are to, and I quote:

“coordinate with the Fiji Police Force, Fiji Revenue and Customs Service, local sports entities ... to investigate....”

You cannot have a policeman coming to investigate sports issues. So, that is the point that we are actually asking about. It is very important that we hear from you. As Mr. Chairman has pointed out, we only have an hour, but it would be good to hear from you.

**Submittee No. 7: Ms. Ema Levaci,
In-Country Manager, National Rugby League Fiji**

MS. E. LEVACI.- *Bula vinaka*. Just point to Clause 22(1)(b) in terms of, and I quote, “(b) reflect the culture, language and special needs of athletes”. If it can be recommended the inclusion of the word ‘gender’ and if there could be clarification on specifically special needs of athletes if that is either in interpretation or try and talk on people with disabilities. If not, if there could also be an inclusion of people with disabilities and not just in reference to people with special needs.

MR. CHAIRMAN.- I am sorry, Clause 22(1)(b)?

MS. E. LEVACI.- Clause 22(1)(b) states, and I quote: “reflect the culture, language and special needs of athletes...”. Recommendation or inclusion of ‘gender’. And if there could be clarification into the words ‘special needs’, whether that is only specific to athletes, or people with disabilities?

MR. CHAIRMAN.- Thank you, your recommendation is taken on board with regards to Clause 22(1)(b).

With regards to Clause 22(1)(a), can the Ministry of Youth help us with the clarification of the word ‘needs’? Does that also include athletes with disabilities?

MR. P. HERENIKO.- Mr. Chairman, Clause 22(1)(b), reflect the culture, language and special needs of athletes, so it covers all those.

MR. CHAIRMAN.- Will that also cover gender?

MR. P. HERENIKO.- No.

MR. CHAIRMAN.- So, with regards to what the representatives from Ministry of Youth is saying, just for clarification purposes, the ‘needs’, it reflects all, even those with disabilities, and it does not include gender, according to them. Your recommendation for ‘gender’ to be included in Clause 22(1)(b) is taken on board by the Committee. Thank you very much.

Any other views, ladies and gentlemen?

MR. R. SINGH.- Mr. Chairman, just a quick one to answer honourable Koya’s question and his suggestion, I think the Fiji Police should be involved in this because as we know in Fiji now, we have a big drug problem and I think that it will be best to get the Police involved also in the Anti-Doping Bill 2024.

HON. F.S. KOYA.- Thank you for that. I think you have got some differing opinion on this side.

MS. V. KOSTER.- Unless it is a criminal act, then we will involve Police.

HON. F.S. KOYA.- From us, that was the whole idea. We need to hear from you because the minute you start putting Police or any other institution like that into a sporting body, it has a completely different connotation. I understand what you are saying, Sir, in light of that but, please, remember, this is drug testing on a different level completely. This is across the board for everything – performance enhancement, whether you have taken marijuana or whatever it is, at the end of the day, this is across the board. But the main point here is that, if you get done in terms of you have been tested for x, y, z or whatever it is and it has come out and says it is positive, it is noted as criminal offence.

In my opinion, I agree with the lady sitting here because it becomes a completely different thing. I understand what you are saying about the prevalence, but the honourable Minister for Home Affairs and Immigration (Hon. P. Tikoduadua) is doing a very good job in making sure that something is done about all of that at another level. But at the end of the day, you guys decide because you are the ones who have all your associations here, whether you need the Police Force to do the investigative work, what kind of authority is exerted on a person if the Police turns up? Do you have to go and educate the Police and say, “this is a completely different investigation” with respect to you taking performance enhancement stuff?

There are rules that are put in place with respect to the searches and seizures, et cetera, for Police. You must take all of these things into account when you put ‘police’ to allow you to investigate. The DFSF will have to do a whole lot of work, and this is why I say that there are other jurisdictions around the world that have actually done this and I am not sure (you guys know better than we are) whether the Police get involved in sporting activities and other things.

Mr. Chairman, we must remember that this is the setup of the DSFS. In it, we have discovered that there is no appeal process. So, if an athlete has a grievance with the decision made, there is no appeal process. Please, let us have your thoughts on that also.

Submittee No. 8: Ms. Vivian Koster
CEO, Netball Fiji

MS. V. KOSTER.- Thank you for that. I think we need to go back to why this Bill is here. It is part of the UNESCO Convention that Fiji has signed on, it is part of the World Anti-Doping Agency (WADA) compliance. They are the regulators of this Bill. not the Fiji Police.

The Fiji Government has signed on to ratify that. So, we are incriminating the Act which allows Fiji to have an independent autonomous Drug Free Sports Fiji. If an athlete is found guilty of an offence, the Fiji Police Force, the Fiji Government and no one in Fiji can charge him or her, it is only the Court of Arbitration for Sports (CAS) internationally that will charge the athlete and then the athlete will take his/her grievances through the international CAS.

Is it an offence for me to take a drug and go and play a sport? No, in the sporting field, yes, in the criminal field, no. So, we should be very, very careful. This is a requirement for Fiji when we sign on that Agreement. Thank you, Sir.

HON. M.D. BULITAVU.- Mr. Chairman, through you, hearing the discussion on whether the Fiji Police should be involved or not in the investigation, what we would like to hear is for you to suggest, given our compliance with WADA, as to whether who should be the rightful body that should be here in the Bill to do that or to do the investigations. That is what we want to hear and that is how we will try to alter the Bill to get in line.

On that particular clause that is under the spotlight now, what will be the proposed solution to that? Who will be doing the investigations to those complaints?

MS. C. WONG.- There are regulations and procedures that are set up by WADA. If an athlete is tested, the test is positive, the athlete is notified, it goes through a routine and the athlete can appeal through the Court of Arbitration. Then that International Federation will sanction that athlete. That process is already preset by WADA, and when we signed on the Convention, we agreed to that process.

MR. CHAIRMAN.- Thank you very much, Ms. Wong.

MR. P. MASEY.- (Inaudible)

MR. CHAIRMAN.- What Ms. Wong was saying, we did not know that, that is why we were asking that question. Thank you for the enlightenment.

MS. C. WONG.- If I may, the reference to the Police within this document is for sharing evidence and information. That is the reference to Police in this document for WADA. It says the Police Force employ or any other person must provide evidence or information to Drug Free Sport Fiji. That is my understanding of this.

HON. F.S. KOYA.- Under Clause 5 where it says, “Functions of DFSF”, it states in Clause 5(1)(f), and I quote:

“coordinate with the Fiji Police, Fiji Revenue and Customs Service, local sports entities and other anti-doping organisations to investigate complaints of doping in sporting in Fiji;”

That is the offending provision, so to speak.

I think one of the things that everyone needs to remember is that the objective of this particular Bill is to ensure that it gives effect to the Convention and the CAS - the ones that you are talking about. So, effectively, we are adopting all of that is in there.

We also do not want to be in a space, and I am just throwing this out there, where we might be offending something in the Convention or the Courts, so we need to look at whether the Police Force should have authority over anything, or do the investigative work because when you are start crossing these things, there are a lot of laws that maybe become a grey area. So, please, remember that. This is why we have raised it for discussion. Thank you.

Submittee No. 9: Mr. Epeli
Ministry of Health

MR. EPELI.- Mr. Chairman, perhaps, from a positive note, I do not know whether you see it prudent to also include, as a function of DFSF, the creation of a care pathway for those who are found positive, like rehabilitation treatment and management, for those who are actually found positive. From a positive note though, instead of the Police, but as a function of the DFSF - the creation of a care pathway, especially for our athletes.

MR. CHAIRMAN.- Thank you very much. That is a very good point, we will take it on board, Sir.

MR. P. MAZEY.- I think there has to be a realisation that the WADA rules and disciplines of those drug products are not The rules of WADA on illicit drugs which are seen as enhancing drugs, are not necessarily the same rules that Police are using to prosecute. In some, it can be just a cough mixture, and I think we have to be very careful on that.

MR. EPELI.- My statement earlier is based on the fact if results whether positive is based solely on addiction rather than performance enhancement. That is my view, probably to create a care pathway.

FIJI RUGBY LEAGUE REP.- Mr. Chairman, just on the note from Ms. Wong and Ms. Koster, if I am correct, for those International Federations who have already subscribed to WADA rules (anti-doping rules), I know for us Fiji Rugby League, we have been using it and they have already preset protocols in place. Also alluding to the point that Mr. Mazey has said, WADA has a list of drugs that comes under the Anti-Doping rules.

In practical here, I just want to point out the fact that in handing over the investigative role to the Fiji Police Force, we do not have that with the International Federations. It comes from a high performance perspective when we talk about anti-doping rules. For us, this is something new, and people who had contributed to this Bill – the DFSF, can explain the reason why this particular clause is in here. They may be the best people to be answering on why exactly we need this because we do

not have it in our International Rugby League rules on anti-doping and I have not seen that as part of our consultation to adopt WADA Convention rules in 2019.

MR. CHAIRMAN.- Thank you very much. It is a very good point, and it is basically the point that we have been deliberating on for a long time. It is basically just one word, 'investigate', which is confusing us because once the Police comes in, they investigate, then it becomes a criminal offence. But, if you can explain, Ministry of Youth, why is the Police investigating because the Fiji Rugby League, FRU and other sports do not have that? Why are we putting it here? That is just to give some clarity to us.

MR. P. HERENIKO.- Mr. Chairman, this is the sixth Draft Bill. We have consulted the Fiji Police Force and the relevant stakeholders. It has been sent to WADA, and they have the final say on the Bill. This is the approved Bill from WADA.

We have sent another review Bill which was discussed in Parliament, and there was another amendment copy just last time. So, the final say on this Bill is not ours. We do the recommendation, and the overview is done by WADA.

MR. P. MAZEY.- I understand that WADA did question the "investigate", that is all. We have got sporting bodies already investigating, it is happening all around us. Only in the past few weeks, tests have been done at one of our events and, yes, similarly some people posted that, but that had nothing to do with Police.

HON. F.S. KOYA.- Thank you, Mr. Mazey. Again, I want to put this on the floor. The minute you involve the Police, they have a very different set of investigative tools. Now, with respect to this, if someone is going to be investigated with respect to taking performance enhancing things, are you going to allow the breach of their privacy or breach of whatever it is? You will be crossing a huge line. You will turn it into a massive grey area to do that. So, if WADA has actually raised that, we should not just accept it for what it is right now. It is in its draft form and, again, I can see there is a difference of opinion. As it is, the DFSF, in its regulations, will have to say that we are setting up this body to do the investigative work for you within.

We are all intelligent people here. It does not require the Police to go and investigate these things. You are going to have people with specific skills, who are going to be able to ask the right questions or find the right material or whatever it is, and it is really about testing. What do you need to do?

That is the reason why Mr. Chairman asked, why is it that the Police were put in here? It is not just the Police, but the Fiji Revenue and Customs. Remember, they have very vast powers and, again, this is not a criminal offence. So, we need to hear from everyone so we can know what is it that we put that in there. I am not sure; we do not know. Who asked us to put the Police and Revenue and Customs in there?

MS. V. KOSTER.- Thank you very much. Just on the Police question, the fact that it is raising so many questions here does make it that grey area. I want to give an example of what it means to be tested or to get an exemption. I have had a netball player who had to get an exemption for using a steroid but for her conjunctivitis. So, will we have the Police then investigate her conjunctivitis? She needed to have the medicine in order to protect her eyes and she, in fact, was medically advised that if she did not take that steroid, she would likely go blind. So, I think that gives us a real-life example of how the Police should not be involved in this process because really, when it comes to

drugs in sport, it is about cheating, using something that allows you to win, or allows you to get a better finish.

Yes, we do have a drug problem and that is very much an emotional thing, but that has got nothing to do with this drug free sport. It is about cheating and whether you will cheat to win or do better. So, I think the Police, as shared by honourable Koya, does have a function, but maybe not in this process.

One other point, and I apologise, I am going to take us all the way back to the athlete representation. I realise that the Minister will decide who is on the Board, but might I suggest that a recommendation be made by FASANOC on that athlete representation. We, as NSOs, can then let FASANOC know or put in an expression of interest to say, “we would like this person to be our athlete representative”, and FASANOC have a system in place where we vote or whatever it is, and then they recommend to the Minister who that athlete representative will be.

Yes, we do have an Athletes Commission that have current athletes, and that is conflict of interest. Then we also have the Olympians. Netball is not an Olympic sport. Carl is great and everyone else who is an Olympian, but do I feel that I will be fully represented? So, again, I recommend that the athlete representative be a recommendation from FASANOC. Thank you.

MR. CHAIRMAN.- Thank you very much, Madam. Your recommendation is taken on board. So, there are two recommendations coming with regards to:

- (1) Athlete representative; and
- (2) Role of the Police with regards to this Bill.

That is what the Committee wants to hear. What do you recommend? You want it in or out because we have the powers to amend that, or stay as it is? That is a very good recommendation made from Netball Fiji. Any other recommendations, views or suggestions with regards to the Bill?

HON. M.D. BULITAVU.- To the Ministry of Youth, what I am hearing, given these various sporting bodies have their own compliance with WADA and how they are doing their antidoping test, how do we tie it in with this particular Board, DFSF?

MR. J. KOROITAMANA.- All these organisations, Mr. Chairman, Sir, will have to align themselves to the DFSF that will be established under this Bill.

HON. M.D. BULITAVU.- So, all the stations will be....

MR. J. KOROITAMANA.- Yes, will be centralised. At the moment, we do not have any, we have the Oceania Regional Anti-Doping Organisation (ORADO) that is assisting us. Yes, we will centralise it.

HON. F.S. KOYA.- Another question to you, the actual testing facilities, are we going to set up a new one or we use the CDC, or how is that going to take place? Again, remember, it requires a great deal of independence in all of these things. You must think outside the box here. It is not like DFSF becomes the judge, the jury and the executioner. We have to have independence in all of these things. So, how is it that you foresee because I am sure everyone wants to know, in order to facilitate and formulate all that we are doing here? How is it that we are actually good in doing the testing? What are the thoughts behind the other testing? Who is going to do the testing?

MR. J. KOROITAMANA.- At the moment, Sir, ORADO is currently doing the test for us and it will probably take some time until we are able to do things on our own because it is a very costly exercise.

MR. CHAIRMAN.- Yes, Mr. Mazey, any clarification?

MR. P. MAZEY.- Worldwide, I think there is only four testing centres and I recognise now that we have to send our tests to them. We could then report because I think, at the moment, are Nauru and Japan, Quam and Australia. So, therefore, all the testing is done in these WADA registered facilities that are set up and cost multimillions to keep going. That is for all sports - Olympics, Paralympics, Commonwealth and any major event, so that is where the testing will be done.

However, the cost of those testings will have to be borne through NADO and the local sports bodies, and that is quite a substantial cost. It is AUD500 per test and sometimes, whenever we are having international events, WADA then suggests how many tests have to be done. It is generally in those centres and we have to do them. Most tests are sent overseas. That does not come into this, but NADO will have to be providing a lot of that funding. So, Government has already allocated funding in this year's Budget so next year's budget, we might probably need a lot more.

MR. CHAIRMAN.- Thank you, Mr. Mazey.

Submittee No. 10: Mr. Henry Elder
National Coach, Weightlifting Fiji

MR. H. ELDER.- *Ni yadra vinaka*. Our sport is one of the sports that has been conducting tests. The reason why this is all happening, there is a lot of drugs involved in our sport. A lot of investigations have been happening throughout the weightlifting world.

Testing is done anywhere. It can be done in your home. It can be done at your training venue. I believe that was the question that you are asking, Sir.

HON. F.S. KOYA.- Yes.

MR. H. ELDER.- Alright, the testing can be done anywhere. If there is a competition, it can be out of the competition testing and there is no need for a special testing. However, some organisations have their own facilities where they house whatever is required to do the actual test itself, but the test can be done in your home. If the Doping Officers arrive at your home and they present themselves, they go through the formal process, they can request that the test be done there, or they can take it to another location.

In most weightlifting competitions, immediately after an athlete is nominated to be tested, the testers will take the person, they will go through the process and a test can be done at that venue there, right there and then. However, after that, then the samples are sent abroad for it to go through the formal process, to see whether drugs are present in the sample or not. So, to answer that question, test can be done anywhere.

MR. P. HERENIKO.- Just to add on to that, Mr. Chairman, this is a testing kit that I am holding on my hand. Just imagine, it can be done anywhere, so this kit is given to the athlete. It is

not opened yet, he or she is going to open it on his or her own, and to read the instructions that is there of what needs to be done. Then this is then sent to the laboratories that has been mentioned, but testing for us is being coordinated by ORADO. This was given to us by ORADO when we attended Uzbekistan's Anti-Doping Forum in the last two weeks. So, this is the testing kit that will be used.

HON. F.S. KOYA.- You have raised something earlier which I have not heard anything about it and the Committee would like to hear about what process you would like included or whether you want to include, in terms if a person is tested and found to be guilty of having used performance enhanced drugs? Is this it or does he have an appeal process? That appeal process needs to be put into the DFSF provisions, like arbitration for sport or whatever. I am not sure how it is done, but we would like to hear from you as to once this is done, the DFSF decides that you are guilty, is there are a particular provision you want?

Submittee No. 11: Sporting Organisation Representative

REPRESENTATIVE.- Technically, I do not have much knowledge about the legality part of it, but just by hearing, I wish to raise a concern. If we can allow, with due respect to our international referendum and in terms of being part of the international arena, if we can also consider the Pacific perspective in regard to who we are in playing sports.

Having said that, there are some drugs that we use for continuity or enhancement which gives the regulator (WADA) who is going to see it differently. In that regard, it is going to be questionable in our context. So, given that the Bill is for elevation, how best there could be some considerations where the annexures could reflect the various drugs, the paramedical drugs that we use which WADA, without due respect, automatically regard it as drugs.

I might be wrong, legally I do not have those much knowledge in that respect, but I am just wondering if we can see the Bill in our Pasifika perspective, the need to be on par with the international standards.

MR. CHAIRMAN.- Thank you, Sir, your comment is taken on board.

**Submittee No. 12: Mr. Albert Miller
Athletics Fiji**

MR. A. MILLER.- *Ni sa bula vinaka*. Let us not try and reinvent the wheel, please. We talked about WADA, all the things that we are talking about, everything is there. You talk to ORADO, all the policies about the entire doping or all these other policies, ORADO can walk you through every single stage.

We have NADO. Now, we have DFSF. We have to make sure that whatever policies we have, maybe localising it to suit our needs. I understand the gentleman from the Ministry of Education is talking about local drugs, that is another kettle of fish, as they say in Savusavu.

I think we have to understand what honourable Koya has said, we have policies that are worldwide, we cannot come up with our own policy. Otherwise, it will be kicked back. So, let us

not try and reinvent the wheel. Let us get the people from ORADO and NADO to work together and look at this policy because otherwise, we will be going around the room today, tomorrow, next, and we will not be able to come up with a policy that meets the needs or the requirement of the World Anti-Doping Agency (WADA).

WADA has already got their policy; we just have to align to it. Let us not try and reinvent the wheel. I for one who have been tested so many times in my days, and the last thing I want is for the Police to be there. So, you have to start looking at it from the perspective of the athletes. It will be interesting to see how many people in this room have gone through the testing process. Maybe, I am the only one in my days of competition.

As I have said, the last thing I want is for the Police to be involved, very last thing. When the person is tested and it is positive, perhaps, two samples. When one is positive, they will let you know and they will test the B sample and if it is positive or negative, then you will get the report. It is nothing to do with the Police. I mean, that in itself, WADA's got their own rules, athletics has got their own rules and how to deal with quantitative cases. Please, let us not try and reinvent the wheel. Otherwise, we will never get this through the system.

We need to be mindful of that. At the end of the day, it is not about us, it is about the athletes. Please, it is not about us, it is about the athletes, and some of them are 14 years old and 15 years old, so how are they going to be able to cope? That is the ultimate question.

For me, as an athlete, who has never used drugs in my life, maybe Panadol, I think we need to be mindful of the fact that when someone talks about education, there needs to be education. It starts from school, not only education for athletes, but also for coaches and the whole community at large.

Please, let us be mindful of the existing policies that are there, let us align to it, let us tailor our policies to align with WADA or ORADO. As I have said, right down here is ORADO or they used to be there with the Oceania National Olympic Committee (ONOC). They are the leaders as far as when it comes to Anti-Doping policies. *Vinaka vakalevu* and all the best.

MR. CHAIRMAN.- Thank you very much, Mr. Miller. I have been notified by staff here that we have only five more minutes. So, I hand it now to Mr. Elder.

MR. H. ELDER.- I heard Mr. Miller talked about athlete's age, it can be a very stressful process. Last year, I took a team of youth and junior athletes to the Oceania Weightlifting Championships. My son was part of the team. He won a Gold Medal and as part of the process, he had to be tested, and he was 14 years old. There was also a 13 year old girl. I think she was crying, she was terrified. They took blood sample and also urine. So, the process itself is quite a difficult one for young athletes, and I think the best for us is to make it easiest as possible and smooth as possible. Educate them and allow them to go through this process as easy as we can. *Vinaka*.

MR. CHAIRMAN.- *Vinaka vakalevu*, Mr. Elder. Any last views?

MR. J. KOROITAMANA.- Mr. Chairman, I think the involvement of the Police in this Bill, as alluded to by the CEO FASANOC, is to provide information as highlighted in Clause 23. Probably, that part that states 'investigate', could be changed.

MR. CHAIRMAN.- If someone can recommend it to the Committee. Any show of hands? For removal?

Thank you very much, ladies and gentlemen. That brings us to the end of our public consultation with regards to the Anti-Doping Bill 2024. It has been a very good discussion for our Committee and for you as representatives from your supporting bodies. Unfortunately, we only have limited time because they have a programme today. We may come back to you, but if you have written submissions, you can send it through.

Just for your information, the whole of the next week, we will be touching on this Bill so basically, the amendments is going to be done whole of the next week. So, if you have any submissions or you wish to come in, please, just notify us. We are always open and just send us an email or give us a call, we can even come to you to hear your views.

In regard to that, on behalf of the honourable Speaker and honourable Members of Parliament present here today, again, I wish to thank you. I would also like to thank the honourable Minister for inviting the Standing Committee on Justice, Law and Human Rights. We wish you well in your deliberations.

The meeting adjourned at 12.40 p.m.