



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Report on the Review of the Anti-Doping Bill 2024 (Bill No. 1 of 2024)



Parliament of the Republic of Fiji
Parliamentary Paper No. 163 of 2024

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CHAIRPERSON’S FOREWORD

The issue of doping in sports has significantly plagued the integrity of competitions globally. Recognising the importance of fair play and safeguarding the health of athletes to compete, Fiji has long been committed to combating doping in sports. However, the existing legislative framework, such as the National Anti-Doping Policy requires enhancement to address emerging challenges and align with international standards. Therefore, the Government of Fiji has introduced the Anti-doping Bill 2024 as a means of establishing a national anti-doping organisation namely the Drug-Free Sport Fiji (‘organization’) that will oversee the implementation and coordination of anti-doping activities in Fiji.

The Standing Committee on Justice, Law and Human Rights was referred the Anti-Doping Bill 2024 in May 2024 to scrutinise and to return a report of its findings to Parliament.

This Report covers the role of the Standing Committees in reviewing the Anti-Doping Bill, ensuring that all due processes have been adhered to and that the provisions of the Bill will contribute to fulfilling its objectives.

Some of the important areas which the Bill addresses are as follows:

- the establishment of the Drug-Free Sport Fiji (DFSF) and its roles and functions in the implementing anti-doping activities in Fiji.;
- providing DFSF certain authority such as to manufacture and distribute anti-doping related products carry out anti-doping testing of athletes and initiate investigations to any person that contravenes to the convention.
- that DFSF develop procedures to protect the privacy of athletes whilst in the process of conducting any anti-doping test.

The Committee then initiated its proceedings by reviewing the Bill and had initial discussion with the responsible Ministry whereby clarification was sought on certain issues identified. Following discussion with the Ministry, the Committee was invited to the Annual National Sporting Organization conference that was held at the Grand Pacific Hotel on Friday 14 June, 2024. The Committee capitalized on the invitation by confirming its attendance and conducted consultation with the relevant stakeholders and sporting organizations. The Committee noted various issues during the discussion and was also provided with suggested amendments to certain provisions that it believes could fulfill the objectives of the Bill by protecting the dignity and human rights of sporting athletes.

It would be remiss to overlook the Committee's experiences during the public consultation. Forty-three (43) sporting bodies were represented during the consultation including a representative from the Ministry of Education and other stakeholders from the Ministry of Public Enterprise.

Some of the main issues highlighted from the review are as follows:

- The issue concerning the welfare of an athlete within the Bill.
- The issue whether there are sufficient facilities available to conduct anti-doping testing.

- The issue whether there is an association of athletes established in Fiji.
- The absence of appeal process to cater for athletes that have tested positive, the Committee noted in the current drafting of the Bill, the DFSF stands as a judge, jury and the executioner.

The Committee also considered the Bill's impact on sustainable development goals, particularly SDG 3 – Good Health and Well-Being, and SDG 5 – Gender Equality. The review highlighted that the proposed legislation is drafted to be non-discriminatory across genders and will be applicable to all athletes in any sport. Furthermore, the Bill is expected to strengthen the prevention of substance abuse of an athlete in enhancing his or her performance in any competitive sport.

The Committee sought legal clarifications from the Solicitor-Generals Office and also consulted with the initiating Ministry regarding the issues identified in the Bill. This ensured that the primary objectives of the proposed legislation is maintained.

At the conclusion of the review, the Committee recognizes the numerous issues identified that highlight the sensitive matters that needed to be addressed in the Bill. These issues require a cautious approach, which the Committee has adopted in reviewing any significant amendments to the provisions of the Bill.

I wish to express my gratitude to the Honourable Members of the Justice, Law, and Human Rights Committee and also the former member for their thoughtful deliberations and contributions. I also acknowledge the former members of the Committee Hon. Faiyaz Koya and Hon. Ratu Josaia Niudamu for their insightful contribution to the initial stages of the Committee deliberations. Finally the alternate members, Hon. Viliame Naupoto and Hon. Taito Rokomatu who stepped in when the substantive members were unavailable, to the entities who responded to the Committee's invitation and provided submissions, and to the members of the sporting bodies who showed interest in the Committee's proceedings.

I, on behalf of the Committee, commend the *Anti-Doping Bill (Bill No. 1 of 2024)* to the Parliament and seek support of all the members of this August house for the Bill.



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HON. RATU RAKUITA VAKALALABURE
CHAIRPERSON

ACRONYMS/ABBREVIATION

DFSF	Drug-Free Sport Fiji
NADO	National Anti-Doping Organisation
UNESCO	United Nations Education Scientific Cultural Organisation
WADA	World Anti-Doping Agency
SDG	Sustainable Development Goals

COMMITTEE COMPOSITION

The Committee is made up of Members of both the Government and Opposition Members. The Members of the Standing Committee are as follows:



Hon. Ratu Rakuira Vakalalabure
(Chairperson)



Hon. Iliesa Vanawalu
(Deputy Chairperson)



Hon. Mosese Bulitavu
(Member)



Hon. Lenora Qereqeretabua
(Member)



Hon. Jone Usamate
(Member)

Committee Secretariat Team

Supporting the Committee in its work is a group of dedicated Parliament Officers who make-up the Committee Secretariat, and are appointed and delegated by the Secretary-General to Parliament pursuant to Standing Order 15 (3)(i). The Secretariat team is made of the following Parliament officers:

- Mr. Jackson Cakacaka – Senior Committee Clerk
- Ms. Alumita Cabealawa – Deputy Committee Clerk

1.0 INTRODUCTION

1.1 Background

The Standing Committee on Justice, Law and Human Rights, referred to as the ("**Committee**"), was referred the Anti-Doping Bill 2024 for review. The Bill was referred to the Committee in accordance with SO 51(2), which tasked the Committee with the examination of the Bill and the responsibility to report on its findings in a subsequent Parliament Sitting.

1.2 Procedure and Program

The Committee read through the Bill and did its own deliberation of the Clauses in the Bill. The Committee called for submissions from the public and other interested stakeholders by placing advertisements through the local newspapers (Fiji Times and Fiji Sun) on 15 June 2024.

The Committee was mindful of the provisions in Standing Order 111(1)(a) and ensured that its meetings were open to the public and the media, except during such deliberations and discussions to develop and finalise the Committee's observations and this Report.

During its deliberations, the Committee held a public consultation on Friday, 14 June 2024, at the Grand Pacific Hotel in Suva. This coincided with the Ministry of Youth and Sports' hosting of the Annual National Sporting Organisation conference, which the Committee attended. With the majority of the sporting bodies represented at the conference, the Committee seized the opportunity to conduct its public consultation, taking advantage of the presence of all pertinent stakeholders in one location. This approach ultimately conserved resources and time that would have otherwise been spent traveling to various locations across Fiji for consultations. Transcripts of the submissions can be accessed via the parliament website: www.parliament.gov.fj.

1.3 Committee Remit

The Standing Committee on Justice, Law, and Human Rights, created in accordance with Standing Order 109 of Parliament's Standing Orders, is tasked with several duties. As outlined in Standing Order 110, these include scrutinizing each Bill referred to it by Parliament and review any subordinate legislation presented in Parliament that falls under its purview.

2.0 ANTI-DOPING BILL (BILL NO. 1) 2024

2.1 Introduction

The Anti-Doping Bill represents a crucial initiative and tool employed by the Ministry of Youth and Sports to mitigate the possible rise of doping of athletes in Fiji. Doping has emerged as a growing concern within the sporting community due to its economic and reputational advantages for athletes. Nevertheless, the consequences it brings are substantial, affecting both the health and welfare of individuals and the risk of compromising the integrity of sports nationally.

The Government of Fiji had endorsed the Instrument of Ratification in 2010, whereby the Government undertook to implement faithfully the stipulations contained under the United Nations Education Scientific Cultural Organization (UNESCO) International Convention against Doping in Sport (Convention). This was through signing the Copenhagen Declaration which had confirmed its commitment and obligation to the anti-doping in sport programs.

Failure of Fiji to comply with the Convention may result in the ineligibility of Fiji to bid for and host international events, forfeiture of offices and positions within the World Anti-Doping Agency (WADA) and any other consequences pursuant to the Olympic Charter.

2.2 Objective of the Bill

The objective of the Bill, which aligns with the government's intention to establish a drug-free sports environment in Fiji, is clearly outlined in Clause 3 of the Bill:

- (a) give effect to the Convention and Code;*
- (b) protect the rights of an athlete to participate in a doping-free sport;*
- (c) promote the integrity of sport and the health, fairness and equality of athletes; and*
- (d) ensure advocacy, promotion and coordination of anti-doping education and control programmes at a national and international level with regard to detection, deterrence and prevention of doping in sport.¹*

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

3.0 COMMITTEE’S DELIBERATION AND ANALYSIS OF THE BILL

3.1 Initial Reading of the Bill and Deliberation by the Committee - Impact of the Bill

The Committee commenced its analysis of the Bill, reading through it, Clause by Clause. From this initial reading, it was noted that the Anti-Doping Bill 2024 (‘Bill’) seeks establish a Drug-Free Sport Fiji and provide for anti-doping requirements in sports under the UNESCO International Convention Against Doping in Sports. The Committee had extensive discussions on the provisions of the Bill and resolved that it be prudent to firstly hear the views of the public specifically the stakeholders on this very important piece of proposed legislation. This public consultation would then allow the Committee to gauge the public’s perspective on the Bill before deliberating further, whilst also bearing in mind the requirements as set down by Parliament in referring the Bill to the Committee.

It is also imperative to note the misfortune that the Committee had experienced during its initial stages of review. A closed meeting was held with the representatives from the Ministry and other relevant stakeholders who worked closely with the World Anti-Doping Agency. On this meeting, the Committee was presented with a different version of the Bill whereby the Committee was advised to consider its contents apart from the version that was tabled in Parliament by the line Minister,- as it was in compliance with the international standards (WADA). At this outset, the Committee exhausted most of its time in attempting to understand the correct version of the Bill considering the fact that Fiji, through the Anti-Doping Bill would be dealing with an international agency in respect to athletes. The Committee then invited the Drafter of the Bill to discuss on the matter of inconsistency. It was then the Committee was advised that there were four (4) drafts to the Bill whereby the third draft was agreed in consensus by the Ministry, the Chairperson of the Drug-Free Sport Fiji and the Drafter for its tabling in Parliament. It was further advised that the fourth version of the Bill was still in its compilation phase following the endorsement of the cabinet on the third draft on 9 June, 2023.

As part of the review process to consider all issues relating to the Bill, the Committee considered the fourth version as proposed by WADA for consideration by the Drafters. Consequently, the Committee was advised by the drafters that by doing so, majority of the content of the current Bill will be changed and subsequently along with its objectives. It was further advised that the fourth draft Bill would need to be re-introduced for consideration by Parliament.

However, the drafters took into consideration certain suggestion by WADA which it believes that would not affect the objectives of the Bill. These amendments were presented to the Committee and the purpose of its inclusion to the Bill. The Committee then decided to send the amendments to the Chairperson of DFSF to obtain the views of WADA if the amendments from the Drafters were sufficient to international standards.

Following this phase of review, the Committee made an effort to halt the continuous miscommunication and resolved to invite the Drafters, the Ministry representatives and the Chairperson of the Drug-Free Sport Fiji to clarify on the subject Clause. The Committee following its discussion, received notification from WADA that the amended Bill received from the Solicitor-General's Office met the requirement of international standards subject to the amendment of clause 22 and a few other amendments that the Committee attended to at this stage.

3.2 Bill Summary

By way of consensus, the Committee agreed that it would be prudent to include the necessary issues that the proposed law intends to address. This would readily give the reader of this Report with the aforementioned information regarding the Bill, which is summarized below.

Clause 1: This clause provides for the short title and commencement. If passed by Parliament, the new legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.

Clause 2: This clause provides for the interpretation of the terms used in the Bill.

Clause 3: This clause provides for the objectives of the Act to protect the right of athletes to participate in doping-free sport, promote the integrity of sport, health, fairness, and equality of athletes, ensure advocacy and promotion of anti-doping education and control programmes.

Clause 4: This clause provides for the establishment of Drug-Free Sport Fiji ('DFSF') as the national anti-doping organisation of Fiji. DFSF is a body corporate with perpetual succession and common seal. It has the power to sue, acquire property, enter into contracts, and perform other acts. Additionally this clause provides that DFSF must be independent in its operations and decisions.

Clause 5: This clause provides for the functions of DFSF. DFSF has a range of functions, including formulating and implementing anti-doping policies, conducting disciplinary proceedings, promoting anti-doping awareness, and coordinating with law enforcement agencies and other stakeholders. The DFSF also conducts research, trains doping control personnel, and facilitates testing of athletes, as well as advising on doping-related matters.

Clause 6: This clause provides for the powers of DFSF to authorise the manufacture and distribution of anti-doping related products, approve its charter, budget, and activity plan, establish committees, issue therapeutic use exemptions, and enforce compliance with anti-doping rules through testing, investigations, and discipline.

Clause 7: This clause provides for the composition of the DFSF board ('Board') that is composed of 7 members, including a chairperson, vice chairperson, athlete representative, and 3 members with expertise in law, pharmacology, sports medicine, investigations, or education. The chief executive officer or nominee is also an ex officio member, but does not have voting rights.

Clause 8: This clause provides for the vacation of office of a member of the Board and states that the office of a member becomes vacant if the member dies, is absent without leave for 3 consecutive meetings, or is unable to perform their duties due to any other reason. Additionally a Board member may resign by giving written notice to the chairperson of the Board.

Clause 9: This clause provides for the meetings of DFSF. DFSF is required to hold at least 3 meetings per year, or whenever necessary and the chairperson must convene and preside over these meetings. In the event of the chairperson's absence, the vice-chairperson or a member appointed by the present members will preside and decisions will be made by a majority vote, with the presiding member having a casting vote in the event of an equality of votes. The Board may also formulate its own rules and procedures for meetings. Additionally, this clause provides for co-opted members of the Board where the Board may co-opt a person to participate in one or more meetings, provided they are an expert or have special knowledge or experience to provide expert advice on matters relating to the business operations of DFSF.

Clause 10: This clause provides for the quorum of a meeting of the Board which will be 4 members.

Clause 11: This clause provides for the appointment of a chief executive officer. The chief executive officer is to be a suitably qualified person who will be responsible for the efficient running of the organisation and the implementation of the Act. The chief executive officer will be paid remuneration and allowances determined by the Board , and will report to the Board as required. The chief executive officer may be appointed for a term of 3 years and is eligible for reappointment.

Clause 12: This clause provides for the powers of the chief executive officer to adopt, implement and enforce anti-doping rules and must inform the Minister in writing of any changes made to these rules.

Clause 13: This clause provides for the powers of the chief executive officer to employ staff of DFSF including temporary or casual employees that are needed to perform its functions and may also remove any employee from their office or employment.

Clause 14: This clause provides for the appointment of an advisory committee to the Board to assist DFSF in the performance of its functions, which will include advising and assisting DFSF in the formulation of strategic and national policies concerning sports, conducting research and recommending suitable activities or projects to promote anti-doping and improve sports in Fiji, and acting on directions from DFSF to protect and promote drug-free sports. An advisory committee will consist of a chairperson, a secretary, and other members with relevant knowledge and expertise, and members may receive allowances and expenses as determined by DFSF subject to Board approval.

Clause 15: This clause provides for the limitation of liability of DFSF wherein no civil or criminal proceedings can be brought against DFSF, the Board, the chief executive officer, or any employee for actions or omissions made in the course of exercising their powers and functions, unless it is proven that they did not act in good faith or with reasonable care.

Clause 16: This clause provides for DFSF responsibility in the preparation of a strategic plan. DFSF is required to develop a strategic plan outlining how it will carry out its functions, and must also review and revise the plan annually to ensure it remains effective and aligned with its goals.

Clause 17: This clause provides for the reporting of DFSF financial accounts. DFSF must submit its annual financial report to the Auditor-General for audit, and then provide the audited financial accounts to the Minister, while also keeping the Minister informed about its general activities and providing additional information as requested.

Clause 18: This clause provides for the funding of DFSF. The funds of DFSF consist of annual appropriation, contributions or donations. The funds can be used to cover expenses and disbursements related to carrying out its functions including the print and distribution of publications and the distribution of grants or donations to local sports entities, anti-doping programmes.

Clause 19: This part of the Bill provides for the accounts of DFSF who has a duty to keep proper accounts and other records in respect of its operations in accordance with standard business practice.

Clause 20: This clause provides for the audit of DFSF which is required to be audited annually in accordance with the Audit Act 1969 and the Financial Management Act 2004. In this Bill DFSF is considered an off-budget State entity. The audit can be conducted by either the Auditor-General or a person authorised by the Auditor-General, or by a person appointed by DFSF.

Clause 21: This clause provides for the powers of the Minister, after consulting with DFSF to make Regulations to implement the provisions of the Act and to prescribe any other matters required under the Act.

Clause 22: This clause provides for the protection of the needs and privacy of the athletes whereby DFSF must develop procedures to protect the needs and privacy of athletes, including reflecting the needs of child athletes, the culture and language of athletes, and the right to privacy of all athletes. Additionally, DFSF must obtain written consent from a child athlete's parent or legal guardian before the child participates in any testing or procedures and DFSF must maintain a confidential record of this consent.

Clause 23: This part of the Bill provides for the sharing of evidence and information amongst stakeholders. This requires that a customs officer, an officer of the Fiji Police Force, or any other person must provide evidence or information to DFSF if they believe it may aid in complying with or implementing anti-doping rules, to assist DFSF in its functions.

3.3 In-depth Analysis of the Clauses of the Bill

The Committee then had extensive discussions on the Clauses and identified certain Clauses that merit proper consideration.

These discussions resulted in the identification of a few issues, which the Committee placed as priority issues to be further discussed and deliberated on. Some of the main issues noted from these discussions are as follows:

Clause 2 (Local Sports Entities): The Committee was of the view that there has to be some degree of inclusivity and clarification was sought on the definition of ‘local sports entity’ and how other sporting bodies are included or involved. The rationale was that the non-inclusion of other sports would pose risks of breach of anti-doping conditions.

Clause 2 (Athlete): The Committee noted that there should be a broad definition on the word ‘Athlete’ to specify whether it is a professional or amateur sports person given that it is a constant position. The Committee suggested that it should be a professional sports person given that any person with limited sporting background and experience would be an eligible member of the DFSF board.

Clause 7(1)(c) - The Committee sought clarification on the intention of the Ministry in having an ‘Athlete representative’ as being the board member of the DFSF.

Clause 21 (2) (e) - The Committee observed that an individual committing an offense could face a fine of \$10,000.00 or a two-year prison term. Additionally, it was highlighted that there is no existing legislation permitting the Minister to criminalize an athlete for offenses committed. The Committee believes that an athlete should not be criminalized for such offenses but should instead face fines or a lifetime ban if they violate anti-doping regulations.

Clause 23 - The Committee was of the view that there should not be further inclusion of personal officers as suggested by the public given that the more people involved, the more risk it poses to the tampering of evidence. Additionally, the Committee also sought clarification on the following;

- The issue concerns the reflection of player welfare within the Bill.
- The issue whether there are sufficient facilities available to conduct anti-doping testing.
- The issue whether there is an association of players established in Fiji.
- The absence of appeal process to cater for athletes that have tested positive, the Committee noted in the current drafting of the Bill, the DFSF stands as a judge, jury and the executioner.
- The rationale of the Fiji Police Force is involved in the investigation process when the DFSF already has the mandate to investigate on such matters.

3.4 Evidence received via public consultation

All the submissions received during the public consultation were considered and deliberated on extensively. The main points and issues noted from the submissions are summarised below.

Submissions received provided a range of comments and suggestions, which cover various issues pertaining to certain Clauses of the Bill.

One particular point of interest that was common in all the submission was the fact that the Bill was should not be designed to criminalize athletes as provided in clause 5(f). Submission noted the involvement of the Fiji Police Force to investigate complaints which perceives to duplicate the functions of DFSF and therefore it was suggested that the Fiji Police Force be omitted from the clause to avoid the perception of criminality of investigation of an athlete.

One of the submitter queried whether ‘Athlete’ refers to an active athlete or a retired athlete as outlined in Clause 6(g)(i). It was suggested that the word ‘Athlete’ be defined for proper referencing.

There were discussion surrounding members listed in Clause 7 of the Bill. Given that the objective of the Bill is to provide preventive measures for doping of athletes, it was suggested that elected board members be also verified and cleared from any doping substance before assuming into the board. It was perceived that the suggestion would provide fairness between the board officials and athletes under the anti-doping Bill.

According to Clause 22, it was perceived by a submittee that there was a misconception of differentiating an adult athlete with a person competing in secondary school sports competition. It was therefore suggested that a person classifying as a child and a minor be clearly defined to demarcate athletes that are required for anti-doping testing.

Furthermore, a submission was noted that Clause 22(b) requires consideration of inclusivity for all person engaging in sports. Therefore, it was suggested that the provision be gender inclusive and also specifies the need of persons with disability who aspire to compete in any sport.

The World Anti-Doping Agency (WADA) sets standards for anti-doping rules and programs to ensure fair competition and public confidence in the integrity of sports. The Compliance with WADA Code is essential for all signatories, which include national anti-doping organizations and international federations.

It was noted that the different versions of the anti-doping regulations may exist due to the revisions and updates made to align with the WADA code. The consultant advised that the revised draft was the version that is fully compliant with WADA standards. It was further elaborated that the WADA’s compliance strategy aims for strong, Code-compliant anti-doping rules and programs, and if the version of the anti-doping Bill meets these standards, it would be considered the correct version by WADA’s criteria.

Additionally, the enactment of an Anti-Doping Bill that does not align with WADA standards can have significant consequences for a country sports team like Fiji. In this case, a non-compliance law can lead to a suspension. For instance, a country may be barred from hosting or bidding to host international competitions, and its athletes may have to compete under a neutral flag without the national anthem being played at major sporting events.² A relevant case was that of South Africa during the Rugby World Cup. It was noted that South Africa had faced sanctions from WADA due to non-compliance with the latest World Anti-Doping Code.

The submitter advised that the example illustrated the importance of compliance with WADA regulations and the implications that can arise from non-compliance law. It was noted that the South African Rugby team serves as a cautionary tale for other countries like Fiji, highlighting the urgency of enacting correct anti-doping legislation to avoid similar repercussions.

A copy of the submission can be obtained from the online Appendices of the Report, which can be accessed via the Parliament website: www.parliament.gov.fj

3.5 SDGs Impact Analysis

Consideration was also given to the impact the Bill has on the sustainable development goals and Fiji's efforts towards its development plans. The Committee felt that consideration should be placed on the SDG 5, which focuses on gender equality and SDG 16, which focuses on creating strong institutions to complement the objective of the Bill in promoting the integrity of sport and the health, fairness and equality of athletes.³

In regard to gender equality, the Committee ensured that full consideration will be given to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally. It was evident from the review, that the Clauses of the Bill were designed to impact all athletes equally, irrespective of gender.

Subsequently, the Bill indeed reflects a commitment to gender equality, as amendment to Clause 22 include provisions for gender considerations. This part indicates a global effort to ensure that all athletes, regardless of gender identity, have equal opportunities and are protected within the domain of competitive sports.

² [South Africa seeks to avoid World Cup flag embarrassment as deadline on anti-doping laws looms - BBC Sport](#)

³ [THE 17 GOALS | Sustainable Development \(un.org\)](#)

3.6 Outcome of deliberation

After extensive deliberation, the following outlines some of the main outcomes of the Committee's deliberation.

The pertinent issues identified during the review were discussed at length by the Members of the Committee and considered with the assistance of the drafting team, so as to ensure that all these relevant issues were appropriately addressed and that the objective of the Bill was preserved. The following key provisions were amended for the purpose of compliance to the World Anti-Doping Agency standards.

Clause 2 (anti-doping rules): "*World Anti-Doping Code 2021*" – The Committee noted that the first World Anti-Doping Code came into effect in 2003. Moreover, it was recommended that "2021" should not be indicated, as otherwise the Bill once enacted will require amendments when a new Code comes into force in 2027.

Clause 2 (sports entities):– The Committee agreed on the new insertion replacing the definition of 'local sports entities. The provision provides a broader scope of different sporting fields at the national and regional level.

Clause 4 – The Committee resolved that the '*code*' be included in the provision as it indicates requirements of the WADA code must be implemented in conjunction with the convention.

Clause 6(g)(ii)(iii) and (h) – The Committee noted that the Convention is not directly applicable against individuals, including athletes and athlete support personnel. Therefore, individuals could not be directly held for being in violation of the Convention. The Committee, therefore resolved removing the mention of the "Convention" from this provision.

Clause 7 (new insertion) - The Committee believes that the provision would avoid conflict of interest of any person intending to be a member of the advisory committee and consequently, a person must also resign in order to be a member of that committee. The Committee further noted that the NADO Operational Independence (as set out at Code Article 20.5.1) seeks to ensure that those involved in the operations or decision making of a sport organization or government entity (sport or otherwise) are in no way involved in the operational activities and decisions of the NADO. Therefore, the Committee resolved the inclusion of the amendments to the provision.

Clause 21(2)(c) - The Committee noted that the Convention is not directly applicable against individuals, including athletes and athlete support personnel. Therefore, individuals could not be directly held for being in violation of the Convention. The Committee, therefore resolved removing the mention of the "Convention" from this provision.

Clause 22(2) – The Committee noted that parental consent cannot be a precondition for a minor athlete be tested or be subject to other procedures including results management procedures. This stems from the fact that the participation of such minor

athletes in sport is governed by the rules of the sport and these rules include the obligation for such minor athletes to accept and be bound by the anti-doping rules. The Committee further noted that the provision is non-compliant to the Code and International Standards and therefore resolved for its omission.

These were part of the main amendments apart from the minor changes. Despite the Committee's position in terms of the status of the Bill, there are a few recommendations the Committee feels are vital for the successful implementation of the Bill. These recommendations are:

- i. That before its commencement, awareness and advocacy programmes be carried out by the Ministry of Youth and Sports to educate stakeholders of the impact of this law. Specifically, the Ministry of Education be made aware of the implication of the legislation with respect to children involved in competitive sports.

4.0 CONCLUSION

After adhering to all due process and the requirements of the Standing Orders of Parliament, the Committee in its deliberation saw that the Bill was an important step towards ensuring Fiji is in compliance to the World Anti-Doping requirements with regards to participation of athletes in sports. As highlighted above in its deliberations, the Committee has conducted extensive public consultations and consulted independent legal experts in the Solicitor-General's Office. At the conclusion of the review, the Committee believes the Bill is sufficient in its current form in realising its objectives.

The Committee through this report commends the *Anti-Doping Bill (Bill No. 1 of 2024)* to the Parliament.

MEMBER'S SIGNATURES



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HON. RATU RAKUITA VAKALALABURE
(CHAIRPERSON)



.....
HON. ILIESA VANAWALU
(DEPUTY CHAIRPERSON)



.....
HON. LENORA QEREQERETABUA
(MEMBER)



.....
HON. JONE USAMATE
(MEMBER)



.....
HON. MOSESE BULITAVU
(MEMBER)

DATE: 01/10/24

