

No. 5 of 2013

Third Session Tenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to provide for the implementation of the UNESCO International Convention against Doping in Sport, the establishment of the Trinidad and Tobago Anti-Doping Organisation, the Trinidad and Tobago Anti-Doping Disciplinary Panel and the Trinidad and Tobago Anti-Doping Appeal Panel, the promotion of an anti-doping environment which encourages positive behaviour among participants in sport and dissuades them from using prohibited substances and prohibited methods and for other related matters

THE ANTI-DOPING IN SPORT BILL, 2013

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to give effect to the International Convention against Doping in Sport. The Bill needs to be passed with a three-fifths majority in both Houses of Parliament as it is inconsistent with sections 4 and 5 of the Constitution.

Clauses 1 and 2 would provide for the short title and commencement, respectively.

Clause 3 would provide for the Act to have effect even though it is inconsistent with the Constitution.

Clause 4 would provide for the interpretation of certain terms.

Clause 5 would provide for the application of the Act.

By clause 6, the Act would bind the State.

Clause 7 would establish the Trinidad and Tobago Anti-Doping Organisation (TTADO) as well as provide for its functions which are necessary to facilitate the control and prevention of doping in sport.

Clause 8 would require TTADO to be managed by a Board and provide for the composition and tenure of the members of the Board.

Clause 9 would require TTADO to keep a seal in the custody of its Secretary as well as prescribe for the use of the seal.

Clause 10 would specify the functions of the Board.

Clause 11 would provide for the procedures for the meetings of the Board.

Clause 12 would provide for staffing of TTADO.

Clause 13 would provide for the funding of TTADO which would include sums appropriated by Parliament, donations or grants, revenue from fees and borrowed sums.

Clause 14 would require TTADO to keep proper accounts in relation to its business.

Clause 15 would require TTADO to submit a report of its operations and its estimates of revenue and expenditure to the Minister. The report would be required to be laid in Parliament.

Clause 16 would provide for the establishment of the Registered Testing Pool and TTADO would be required to notify an athlete that his name has been included in the Pool.

Clause 17 would establish the Therapeutic Use Exemption Committee (TUEC) and provide for its composition and functions. The decision to grant or deny an exemption would be conveyed to TTADO and the World Anti-Doping Agency (WADA).

Clause 18 would provide for the procedure for appeals from decisions of TUEC. Appeals may be made to WADA or the Court of Arbitration for Sport in certain circumstances.

Clause 19 would establish the Results Management Committee which would notify an athlete of his test result and refer Adverse Analytical Findings to the Disciplinary Panel. The Committee would also maintain a database on doping control procedures and identify any situations that may be suspicious and has a duty to inform the police in certain circumstances.

Clause 20 would provide for the application of a Therapeutic Use Exemption by both national-level athletes and international-level athletes with medical conditions.

Clauses 21 and 22 would detail the responsibilities of athletes and athlete support personnel, respectively.

Clause 23 would provide for the requirement of athletes, who are in the Registered Testing Pool, to provide whereabouts information and failure to do so would result in sanctions being incurred.

Clause 24 would provide for the analysis of samples by an accredited laboratory and the purposes for the analysis.

Clause 25 would provide for the recognition of the results of laboratory analysis by other anti-doping organisations.

Clause 26 would provide for TTADO to make and publish Rules for the prevention of doping in sport. It would also provide the sanctions for the violation of the anti-doping rules.

Clause 27 would establish the Trinidad and Tobago Anti-Doping Disciplinary Panel (“the Disciplinary Panel”).

Clause 28 would provide for the composition and appointment of the members of the Disciplinary Panel.

Clause 29 would provide for the functions of the Disciplinary Panel and prescribe the procedure to be followed on a written reference from the Results Management Committee asserting the occurrence of an anti-doping violation.

Clause 30 would provide for the appellate procedure in respect of a decision of the Disciplinary Panel. In certain circumstances the appeal could be made either to the Trinidad and Tobago Anti-Doping Appeal Panel (“the Appeal Panel”) or the Court of Arbitration for Sport.

Clause 31 would establish the Appeal Panel.

Clause 32 would provide for the composition and appointment of the members of the Appeal Panel.

Clause 33 would prescribe the functions of the Appeal Panel and the procedure for appeals.

Clause 34 would provide for the powers of the Appeal Panel.

Clause 35 would require persons exercising any functions under the Act to declare his interest in any matter in which he participates.

Clause 36 would provide for the confidentiality of information and creates an offence for failure to keep secret and confidential all information. A person who commits the offence is liable on summary conviction to a fine of \$25,000.

Clause 37 would provide sanctions against any national governing body which fails to comply with this Act.

Clause 38 would empower the Minister to make Regulations for the better administration of the Act.

THE ANTI-DOPING IN SPORT BILL, 2013

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BILL

AN ACT to provide for the implementation of the UNESCO International Convention against Doping in Sport, the establishment of the Trinidad and Tobago Anti-Doping Organisation, the Trinidad and Tobago Anti-Doping Disciplinary Panel and the Trinidad and Tobago Anti-Doping Appeal Panel, the promotion of an anti-doping environment which encourages positive behaviour among participants in sport and dissuades them from using prohibited substances and prohibited methods and for other related matters

[, 2013]

WHEREAS a Convention entitled “the International Preamble Convention against Doping in Sport” (“the UNESCO

International Convention”) was adopted by the UNESCO General Conference in Paris, France on 19th October, 2005;

And whereas the World Anti-Doping Agency adopted “the World Anti-Doping Code” in Copenhagen, Denmark on 5th March, 2003 and approved and adopted a revision thereof on 17th November, 2007, with effect from 1st January, 2009;

And whereas the UNESCO International Convention was ratified by Trinidad and Tobago on 9th March, 2007;

And whereas it is necessary and expedient to give effect to the UNESCO International Convention;

And whereas it is enacted by section 13(1) of the Constitution of the Republic of Trinidad and Tobago (“the Constitution”) that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly;

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House;

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I PRELIMINARY

Short title

1. This Act may be cited as the Anti-Doping in Sport Act, 2013.

2. This Act comes into operation on such date as is Commencement fixed by the President by Proclamation.

3. This Act shall have effect even though inconsistent Act inconsistent with Constitution with sections 4 and 5 of the Constitution.

4. (1) In this Act— Interpretation

“Adverse Analytical Finding” means a report from a laboratory accredited by WADA or any other entity approved by WADA that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a sample the presence of a prohibited substance or its metabolites or markers, including elevated quantities of endogenous substances, or evidence of the use of a prohibited method;

“anti-doping organisation” 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) WADA;
- (d) an International Federation;
- (e) a major event organisation that conducts testing at its events;
- (f) TTADO;
- (g) any other National Anti-Doping Organisation;

“Anti-Doping Rules” means Rules made under section 26;

“anti-doping rule violation” means a violation of the Rules referred to in section 26(2);

“Appeal Panel” means the Trinidad and Tobago Anti-Doping Appeal Panel established under section 31;

“athlete” means a person who participates in a sport as—

- (a) an international-level athlete;
- (b) a national-level athlete; or
- (c) any other competitor in sport who is otherwise subject to the jurisdiction of a signatory to the Code or any other sports organisation accepting the Code;

“athlete support personnel” means—

- (a) a parent or guardian of an athlete who is a minor;
- (b) a medical practitioner or paramedical personnel, including a psychiatrist and a psychologist;
- (c) a coach, trainer, manager, official, agent or team staff; or
- (d) any other person, working with or treating or assisting an athlete participating in or preparing for sports competition, including a physiotherapist and a nutritionist;

“a typical finding” means a report from a laboratory accredited by WADA or any

other entity approved by WADA which requires further investigation as provided by the International Standards for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding;

“Chairman” means the person appointed as Chairman of the Board under section 8;

“chaperone” means a doping control officer or a person appointed by TTADO as a chaperone;

“Code” means the World Anti-Doping Code adopted by the World Anti-Doping Agency on March 5, 2003 and includes any revisions or amendments thereto as are adopted by the World Anti-Doping Agency, from time to time;

“competition” means a sporting activity consisting of a single race, match, game or athletic contest;

“country” includes territory or jurisdiction;

“Court of Arbitration for Sport” means the Court of Arbitration for Sport located in Lausanne, Switzerland and established by the International Olympic Committee, and whose statutes came into force on 30th June, 1984;

“disqualification”, in relation to an athlete, means that the results of the athlete in a particular competition or event are invalidated with all resulting

consequences, including forfeiture of any medals, points or prizes;

“doping control procedures” means all the steps and processes from test distribution planning through to ultimate disposition of any appeal, including the provision of whereabouts information, sample collection and handling, laboratory analysis, Therapeutic Use Exemptions, results management and hearings;

“event” means a series of individual competitions conducted together under one International Federation or national governing body;

“in-competition testing” means the collection and testing of a sample from an athlete for the purpose of doping control procedures, while the athlete is in-competition;

“international event” means an event or competition where the International Olympic Committee, the International Paralympic Committee, an International Federation, a major event organisation or another international sporting organisation is the ruling body for the event or competition or appoints technical officials for the event or competition;

“international-level athlete” means a person designated by an International Federation as being within its Registered Testing Pool;

“International Federation” means a sporting organisation, whether or not its sport is on

the Olympic programme, that is recognised by the International Olympic Committee as having the authority to administer and govern on a global scale, the sport it represents;

“International Standard” means the standard adopted by WADA in support of the Code and shall include any Technical Document issued pursuant to the International Standard;

“medical practitioner” means a person registered under the Medical Board Act; Chap. 29:50

“Minister” means the Minister to whom the responsibility for sport is assigned;

“National Anti-Doping Organisation” means an entity designated by a country as possessing the primary authority and responsibility to—

(a) adopt and implement, in that country, rules which are equivalent to the Anti-Doping Rules;

(b) direct the collection of samples; and

(c) manage test results,

or where such designation has not been made, the National Olympic Committee of that country or an entity designated by that Committee;

“national event” means a sporting event involving international-level or

national-level athletes that is not an international event;

“national governing body”, in relation to a particular sport, means—

- (a) in respect of any country, a sporting organisation that is recognised by the relevant International Federation as being the organisation responsible for administering the affairs of the sport in that country;
- (b) in respect of Trinidad and Tobago, where there is no International Federation in relation to the sport, a sporting organisation that is recognised by the Government of Trinidad and Tobago as being responsible for all or a substantial part or section of the sport in Trinidad and Tobago;
- (c) in respect of a country other than Trinidad and Tobago, where there is no International Federation in relation to the sport, a sporting organisation that is generally recognised as being responsible for administering the affairs of the sport, or of a substantial part or section of the sport, in that country;

“national-level athlete” means a person, other than an international-level athlete, who is designated by TTADO, or the national

anti-doping organisation of a country other than Trinidad and Tobago, as being within the Registered Testing Pool of TTADO or that national anti-doping organisation, as the case may be;

“out-of-competition testing” means the collection and testing of a sample from an athlete for the purpose of doping control procedures, while the athlete is out-of-competition;

“Prohibited List” means the WADA Prohibited List identifying the prohibited substances and prohibited methods as amended from time to time and which is published and revised by WADA as described in Article 4 of the Code;

“prohibited method” means any method identified in the Prohibited List;

“prohibited substance” means any substance identified in the Prohibited List;

“Registered Testing Pool” means the pool established by each International Federation and National Anti-Doping Organisation of international-level athletes who are subject to both in-competition and out-of-competition testing as part of that International Federation’s or National Anti-Doping Organisation’s test distribution plan;

“quarter” means a period of three months beginning 1st January, 1st April, 1st July or 1st October in each year;

“sample” means biological material, including blood, collected for the purposes of doping control;

“Therapeutic Use Exemption” means an exemption referred to in section 20(1) or (2);

“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 10th November, 1999.

(2) For the purposes of this Act, an athlete is—

- (a) in-competition during the period commencing twelve hours before he is scheduled to participate in a competition through to the end of the competition and any sample collection process related to the competition, unless provided otherwise in the rules of an International Federation or other relevant Anti-Doping Organisation; or
- (b) out-of-competition during any doping control which is conducted when he is not in-competition.

(3) For the purposes of this Act, a person is a resident of—

- (a) Trinidad and Tobago if he is a person referred to in section 5(1) of the Immigration Act;
- (b) a country, other than Trinidad and Tobago, if he is recognised as the holder of resident status by that country.

5. This Act applies to—

Application

- (a) athletes who are—
 - (i) citizens or residents of Trinidad and Tobago;
 - (ii) in or outside of Trinidad and Tobago; and
 - (iii) in-competition or out-of-competition;
- (b) athlete support personnel who are citizens or residents of Trinidad and Tobago when they are in Trinidad and Tobago or when they are outside of Trinidad and Tobago for the purpose of supporting an athlete;
- (c) athletes who are not citizens or residents of Trinidad and Tobago when they are training or competing in Trinidad and Tobago;
- (d) athlete support personnel who are not citizens or residents of Trinidad and Tobago when they are in Trinidad and Tobago for the purpose of supporting an athlete;
- (e) national governing bodies and their affiliate members, clubs, teams, associations or leagues; and
- (f) sporting organisations not affiliated with a national governing body.

6. This Act binds the State.

Act binds the State

PART II**THE TRINIDAD AND TOBAGO ANTI-DOPING ORGANISATION**

7. (1) There is established a body corporate to be known as “the Trinidad and Tobago Anti-Doping Organisation” or “TTADO”. Establishment and functions of TTADO

- (2) TTADO shall perform the following functions:
- (a) planning, implementing and directing a National Anti-Doping Programme aimed at informing or educating athletes, athlete support personnel, parents, the media and the general public in Trinidad and Tobago about anti-doping matters, including—
 - (i) the health consequences of doping, including the use of anabolic steroids in fitness centres;
 - (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
 - (vii) the rights and responsibilities of athletes and the consequences of committing an anti-doping rule violation;
 - (b) facilitating the sharing of information among national governing bodies, sporting organisations and other relevant agencies to reduce the prevalence and availability of prohibited substances and methods;
 - (c) facilitating the access of national governing bodies to laboratories accredited by WADA for doping control analysis;
 - (d) entering into reciprocal testing agreements with national anti-doping organisations outside Trinidad and Tobago;
 - (e) consulting with, advising and assisting Government departments and agencies,

local authorities, the Trinidad and Tobago Olympic Committee, national governing bodies, sporting organisations and other bodies and persons on anti-doping matters;

- (f) advising the Minister on anti-doping matters;
 - (g) making recommendations pursuant to section 37;
 - (h) initiating and supporting rehabilitation programmes for athletes who have used prohibited substances;
 - (i) performing such other functions as are necessary to implement or facilitate effective anti-doping measures; and
 - (j) generally taking all steps necessary or expedient to achieve the purposes of this Act.
- (3) In the performance of its functions, TTADO—
- (a) shall comply with the Code and International Standards;
 - (b) shall establish, for its use and the use of its committees, procedures that are appropriate and fair, including procedures to—
 - (i) address the needs of athletes who have not attained the age of eighteen; and
 - (ii) take into account any disabilities or other special needs or concerns of athletes;
 - (c) may impose fees or charges for the provision of information, advice or other services requested of TTADO, other than

information relating to an athlete and requested by that athlete.

Board of TTADO

8. (1) TTADO shall be managed by a Board (hereinafter referred to as “the Board”).

(2) The Board shall comprise a Chairman, a Vice-Chairman and not less than five nor more than eleven other members, all of whom shall be appointed by the President on the advice of the Minister, from among the following persons:

- (a) a person who has qualifications or experience in sports medicine or pharmacology;
- (b) a person who has experience in dealing with doping or substance abuse prevention matters;
- (c) a former athlete;
- (d) a former coach;
- (e) a former sports administrator who has served in that capacity for at least four years;
- (f) a person who has qualifications or experience in marketing or public relations;
- (g) a person who has qualifications or experience in financial accounting;
- (h) a person who has qualifications or experience in human resources or management;
- (i) an Attorney-at-law of at least five years standing; and
- (j) any other persons who by virtue of their skill or experience can contribute meaningfully to the work of the Board.

(3) Members of the Board shall be appointed on such terms and conditions as are determined by the President.

(4) The President shall cause the appointment of members of the Board to be published in the *Gazette*.

(5) Subject to the provisions of subsections (6), (7) and (8), the members of the Board shall hold office for a period not exceeding four years and shall be eligible for reappointment.

(6) The President may terminate the appointment of a member of the Board where that member—

- (a) behaves in such a way as is likely to bring TTADO into disrepute;
- (b) fails, without reasonable excuse, to carry out any of his duties in a responsible or timely manner;
- (c) is unable by reason of physical or mental incapacity to perform his duties or is otherwise unable or unfit to perform his duties; or
- (d) becomes bankrupt or compounds with his creditors.

(7) A member of the Board, other than the Chairman, may resign his office by instrument in writing addressed to the Chairman, who shall immediately cause it to be forwarded to the President whereas the Chairman may resign his office by instrument in writing addressed to the President.

(8) A member of the Board shall be deemed to have vacated his office if he fails to attend three consecutive statutory meetings of the Board or, without leave of absence from the Board, fails to attend a minimum of three statutory meetings of the Board in any year.

(9) Where any member of the Board is temporarily prevented by illness or other cause from exercising his functions, the President may, on the advice of the Minister, appoint some other person eligible for such appointment under the Act, to act in his stead for the period of illness or incapacity.

(10) The appointment of a person as a member of the Board to fill a vacancy occurring under subsections (6), (7) or (8), shall be for the unexpired portion of the term of the member to whose office that person has been appointed and such a person is eligible for reappointment.

Seal of TTADO

9. (1) TTADO shall have a seal which shall be kept in the custody of the Secretary of the Board.

(2) The seal of TTADO shall be attested by the signature of the Secretary and the Chairman or a member of the Board duly authorised by the Board to act on behalf of the Chairman.

(3) All documents, other than those required by any written law to be under seal and all decisions of the Board shall be signified under the hand of the Chairman, the Secretary or a member duly authorised by the Board.

Functions of the Board

10. The Board shall—

- (a) supervise the administrative operations of TTADO;
- (b) ensure that correct protocols are followed in the process of securing samples;
- (c) ensure that the rights of everyone involved in the doping control procedures are respected;
- (d) assist in ensuring that TTADO receives and manages funds in a prudent manner; and

- (e) undertake anything incidental or conducive to the performance of any of the foregoing functions.

11. (1) The Board shall meet as often as the Chairman ^{Meetings of the Board} deems necessary for the performance of its functions and in any event not less than once every month.

(2) The quorum for meetings of the Board shall be no less than a majority of all the members of the Board.

(3) Where the Chairman is absent at any meeting, the Vice-Chairman shall preside.

(4) Where both the Chairman and the Vice-Chairman are absent from any meeting, the members present shall appoint a member from amongst themselves to preside at that meeting.

12. (1) The Board shall employ such members of staff ^{Staff of TTADO} as are required for the performance of the functions of TTADO on such terms and conditions as are agreed upon between the employee and the Board.

(2) The Board may, on such terms and conditions as it thinks fit, engage on contract any suitably qualified person to provide TTADO with such services as the Board considers necessary for the due performance of its functions.

(3) For the purpose of employing or engaging doping control officers and chaperones, TTADO shall comply with the selection criteria for those offices specified in the WADA Models of Best Practice and Guidelines.

13. (1) The funds of TTADO shall include— ^{Funds}

- (a) such sums as may be appropriated by Parliament for the purposes of TTADO;
- (b) all sums collected by virtue of donations or grants from national and international organisations;

(c) revenue from fees charged in the provision of its services; and

(d) such sums as TTADO may, with the approval of the Minister with responsibility for finance, in accordance with the Exchequer and Audit Act, borrow for the purpose of meeting its obligations or discharging its functions.

Chap. 69:01

(2) The Minister with responsibility for finance may guarantee, in such manner and on such conditions as he thinks fit, the payment of the principal and interest in respect of any borrowing of TTADO under subsection (1)(d).

Accounts and audit

14. (1) TTADO shall keep proper accounts of its receipts, payments, credits, liabilities and all other records in relation to its business.

(2) The accounts of TTADO shall be public accounts for the purposes of section 116 of the Constitution.

Annual reports and estimates

15. (1) TTADO shall submit to the Minister within three months from the end of each financial year, a report of its operations for that year.

(2) A copy of the report referred to in subsection (1) shall be laid in Parliament within three months from the date of its receipt by the Minister.

(3) TTADO shall submit its estimates of revenue and expenditure in respect of each financial year to the Minister.

Registered Testing Pool

16. (1) TTADO shall establish a Registered Testing Pool.

(2) TTADO shall, in accordance with the Anti-Doping Rules, publish the criteria for the inclusion of the name of an athlete in its Registered Testing Pool.

(3) TTADO shall notify an athlete, in writing, of the inclusion of his name in its Registered Testing Pool.

17. (1) TTADO shall establish a Therapeutic Use Exemption Committee (hereinafter referred to as “TUEC”) comprising three medical practitioners with at least five years experience, one of whom shall have qualifications in pharmacology.

(2) TUEC shall perform the following functions:

- (a) the receiving and examination of applications from athletes for Therapeutic Use Exemptions, made in accordance with section 20;
- (b) the granting, denial, monitoring and revocation of Therapeutic Use Exemptions, as the case may require; and
- (c) the performance of any other functions that are conferred or imposed on it by this Act or the Anti-Doping Rules.

(3) In furtherance of its functions, the members of TUEC shall—

- (a) adhere to the International Standards;
- (b) be familiar with the updated Prohibited List; and
- (c) act independently of TTADO and shall not have any other official responsibility within TTADO.

(4) TUEC shall immediately notify TTADO of its decision to grant or deny a Therapeutic Use Exemption and TTADO shall, upon receipt of such notification, notify WADA of the grant or denial.

18. (1) WADA may, at the request of an athlete or on its own initiative, review the grant or denial of a Therapeutic Use Exemption and where WADA determines that the granting or denial of such Therapeutic Use Exemption did not comply with the International Standard for Therapeutic Use Exemptions, WADA may reverse the decision to grant or deny the Therapeutic Use Exemption.

(2) Any decision by WADA reversing the grant or denial of a Therapeutic Use Exemption may be appealed directly by the athlete or TTADO to the Court of Arbitration for Sport.

(3) Where an international-level athlete has made an application for a Therapeutic Use Exemption and the International Federation has denied the grant of such Therapeutic Use Exemption, the athlete may appeal to the Court of Arbitration for Sport.

(4) Where TUEC has denied the grant of a Therapeutic Use Exemption to a national-level athlete, the athlete may appeal to the Appeal Panel under section 30.

(5) Where the Appeal Panel reverses the decision of TUEC to grant a Therapeutic Use Exemption, WADA may appeal to the Court of Arbitration for Sport.

Results Management
Committee

19. (1) TTADO shall establish a Results Management Committee comprising at least three, but no more than five, persons among whom shall be two medical practitioners and one Attorney-at-law, preferably with experience in anti-doping matters.

(2) The members of the Results Management Committee shall possess training in dealing appropriately with results of doping control procedures, including where the results are negative or of an adverse nature.

(3) The Results Management Committee shall—

- (a) notify an athlete of the result of his test;
- (b) refer Adverse Analytical Findings to the Disciplinary Panel;
- (c) maintain a database on doping control procedures and identify any situations that may be suspicious; and

- (d) inform the police where, in a sample of an athlete, there has been a finding of a prohibited substance which is a dangerous drug as defined under the Dangerous Drugs Act.^{Chap. 11:25}

PART III
ANTI-DOPING

20. (1) An athlete, other than an international-level athlete, with a medical condition requiring the use of a prohibited substance or prohibited method, may, in accordance with the provisions of this Act and the Anti-Doping Rules, apply to TUEC for an exemption.^{Application for Therapeutic Use Exemption}

(2) An international-level athlete, or an athlete who participates in an international event, with a medical condition requiring the use of a prohibited substance or prohibited method, may, in accordance with the International Standard for Therapeutic Use Exemptions, apply no later, except in emergency situations, than—

- (a) thirty days before his participation in an international event; or
- (b) such other period as may be provided for in the anti-doping rules of the relevant International Federation,

to the relevant International Federation for an exemption and provide TUEC with a copy of the application prior to the international event.

(3) An application under subsection (1) or (2) shall be made—

- (a) 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, no later than thirty days prior to the participation of the athlete in any competition or event.

Responsibility of
athletes

21. (1) An athlete shall not use a prohibited substance or prohibited method unless he has obtained a Therapeutic Use Exemption in respect of that substance or method.

(2) An athlete shall—

- (a) be knowledgeable of, and comply with, the Anti-Doping Rules;
- (b) be responsible for ensuring that no prohibited substance enters his body;
- (c) inform medical personnel of his obligation not to use prohibited substances and prohibited methods;
- (d) be available for, and submit to, in-competition and out-of-competition testing at any time and place, with or without advance notice; and
- (e) be responsible for any prohibited substance or its metabolites or markers found to be present in his bodily specimen.

Responsibility of
athlete support
personnel

22. Athlete support personnel shall—

- (a) be knowledgeable of, and comply with, the Anti-Doping Rules;
- (b) cooperate with the Athlete Testing Programme; and
- (c) use their influence to foster anti-doping attitudes among athletes.

Whereabouts
requirements

23. (1) A national-level athlete and an international-level athlete in the Registered Testing Pool of TTADO shall, before the beginning of each quarter, submit to TTADO on such form as TTADO may approve, a quarterly whereabouts filing that provides accurate and complete information about the

whereabouts of the athlete during that quarter, including information specifying—

- (a) where he will, on a daily basis, be living, training and competing during that quarter so that he can be located for testing at any time during that quarter; and
- (b) for each day in that quarter, one hour when he will be available at a specified location for testing.

(2) Where any change in circumstances requires the updating of information in the quarterly whereabouts filing of an athlete, the athlete shall update the information as soon as possible and in any event prior to the next one-hour period specified in the filing under subsection (1)(b).

(3) Where an athlete is required to provide whereabouts information to an International Federation, he shall simultaneously provide a copy of the information to TTADO.

(4) An athlete who does not comply with subsection (1) or (2) shall be—

- (a) ineligible for financial or other support from the Government;
- (b) prohibited from participating in national and international competitions as may be provided in the Anti-Doping Rules; and
- (c) such other sanctions as may be provided for in the Anti-Doping Rules.

24. (1) A sample taken from an athlete shall be analysed at a laboratory accredited by WADA to detect prohibited substances and prohibited methods. Analysis of samples

(2) A sample may also be used to assist TTADO or national governing bodies in profiling relevant parameters in blood, urine or other matrix for anti-doping purposes.

(3) A sample shall not be analysed for a purpose other than under subsection (1) or (2), unless—

- (a) the athlete consents in writing; and
- (b) any means of identification are removed to ensure that the sample cannot be traced back to the athlete.

(4) The results of in-competition testing or out-of-competition testing shall be forwarded to the Results Management Committee.

Recognition of
results of other
anti-doping
organisations

25. TTADO shall recognise the results of laboratory analysis by other anti-doping organisations, if the analysis was conducted in accordance with the International Standard for Laboratories and in accordance with the Code.

Anti-Doping Rules

26. (1) TTADO may make Rules for the prevention of doping in sport.

(2) Without prejudice to the generality of subsection (1), Rules made under subsection (1) may prohibit—

- (a) the presence of a prohibited substance or its metabolites or markers in a sample of an athlete, unless the athlete has a Therapeutic Use Exemption for the use of the prohibited substance or its metabolites or markers;
- (b) the use or attempted use of a prohibited substance or a prohibited method by an athlete;
- (c) the refusal or failure without compelling justification of an athlete to submit to sample collection after notification as authorised in applicable anti-doping rules, or otherwise evading sample collection;

- (d) the violation of requirements for in-competition testing or out-of-competition testing, including requirements regarding the filing of whereabouts information;
- (e) the tampering or attempted tampering with doping control procedures;
- (f) the possession of prohibited substances and prohibited methods;
- (g) the trafficking or attempted trafficking in any prohibited substance or prohibited method;
- (h) the administration or attempted administration to any athlete in-competition of any prohibited method or prohibited substance, or administration or attempted administration to any athlete out-of-competition of any prohibited method or any prohibited substance that is prohibited out-of-competition; and
- (i) the assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted anti-doping rule violation.

(3) Rules made under subsection (1) may provide that any person who commits an anti-doping rule violation may be subject to one or more of the following sanctions:

- (a) disqualification from a particular competition or event;
- (b) ineligibility for participation in any competition or other activity for a specified period of time;
- (c) ineligibility for funding for a specified period of time; or

(d) suspension from participating in any competition prior to the final decision of the Disciplinary Panel.

(4) Rules made under subsection (1) may provide that a person who fails to comply with any sanction lawfully imposed in relation to an anti-doping rule violation may be subject to one or more of the sanctions mentioned in subsection (3).

(5) Rules made under subsection (1) shall be published in such form as TTADO may determine.

PART IV

THE TRINIDAD AND TOBAGO ANTI-DOPING DISCIPLINARY PANEL

Establishment of the Disciplinary Panel

27. There is established a Disciplinary Panel to be known as “the Trinidad and Tobago Anti-Doping Disciplinary Panel”.

Composition and appointment of the Disciplinary Panel

28. (1) The Disciplinary Panel shall comprise nine members appointed by the President on the advice of the Minister as follows:

- (a) a Chairman, a First Vice-Chairman and a Second Vice-Chairman who shall be Attorneys-at-law of not less than five years standing;
- (b) three medical practitioners of not less than five years standing; and
- (c) three persons selected from among persons who are—
 - (i) former sports administrators and who served as sports administrators for not less than five years; or
 - (ii) former international-level athletes or former national-level athletes.

(2) A member of the Disciplinary Panel shall hold office for a period of four years as specified in his instrument of appointment and is eligible for reappointment.

(3) Members of the Disciplinary Panel shall be appointed on such terms and conditions as are determined by the President.

(4) The President shall cause the appointment of members of the Disciplinary Panel to be published in the *Gazette*.

(5) In the absence of the Chairman, the functions of the Chairman shall be performed by the First Vice-Chairman and in the absence of both the Chairman and the First Vice-Chairman, the functions of the Chairman shall be performed by the Second Vice-Chairman.

(6) Where a member is absent or temporarily unable to perform his duties, the President may appoint a person to act for that member.

(7) A member of the Disciplinary Panel may resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the President, and the Chairman may resign his office by instrument in writing addressed to the President.

(8) The President may terminate the appointment of a member of the Disciplinary Panel where that member—

- (a) behaves in such a way as is likely to bring the Disciplinary Panel into disrepute;
- (b) fails, without reasonable excuse, to carry out any of his duties in a responsible or timely manner;
- (c) is unable by reason of physical or mental incapacity to perform his duties or is

otherwise unable or unfit to perform his duties; or

(*d*) becomes bankrupt or compounds with his creditors.

(9) Where a vacancy in the Disciplinary Panel arises, the President may, on the advice of the Minister, appoint a person to fill the vacancy.

Functions of the
Disciplinary Panel

29. (1) The Disciplinary Panel shall—

- (*a*) receive written references from the Results Management Committee alleging the commission of an anti-doping rule violation;
- (*b*) receive and examine evidence relating to alleged anti-doping rule violations;
- (*c*) conduct disciplinary hearings relating to alleged anti-doping rule violations;
- (*d*) determine whether an anti-doping rule violation has been committed;
- (*e*) impose sanctions for anti-doping rule violations; and
- (*f*) perform such other functions that may be conferred on it by this Act.

(2) Upon the receipt of a written reference from the Results Management Committee asserting the occurrence of an anti-doping rule violation, the Disciplinary Panel shall—

- (*a*) conduct a hearing within ten days of the notification date;
- (*b*) issue a written decision within twenty-four days of the notification; and
- (*c*) issue written reasons for any decision within thirty-one days of the notification.

(3) For the avoidance of doubt, the notification date referred to in subsection (2) shall be the date on which the athlete is notified of his commission of an anti-doping rule violation.

(4) A matter that is referred to the Disciplinary Panel shall be heard and determined by three members as follows:

- (a) the Chairman, or one Vice-Chairman designated by the Chairman, who shall preside at the hearing;
- (b) one member appointed under section 28(1)(b) and designated by the Chairman; and
- (c) one member appointed under section 28(1)(c) and designated by the Chairman.

30. (1) Subject to subsection (2), an appeal from a decision of the Disciplinary Panel shall lie to the Appeal Panel, with a further appeal to the Court of Arbitration for Sport. Appeal from decision of Disciplinary Panel

(2) An appeal from a decision of the Disciplinary Panel in respect of an international event, or a case involving an international-level athlete, shall lie to the Court of Arbitration for Sport.

(3) A decision of the Disciplinary Panel may, in accordance with the Anti-Doping Rules, be appealed by—

- (a) an athlete or other person who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) TTADO;
- (d) the relevant national governing body;
- (e) the relevant International Federation;

- (f) the International Olympic or Paralympic Committee, in relation to an international-level athlete, where the decision may have an effect in relation to the Olympic Games and Paralympic Games; or
- (g) WADA,

within twenty-one days after receipt of the written reasons of the Disciplinary Panel.

(4) The decision of the Disciplinary Panel shall remain in effect until the determination of the appeal.

PART V

THE TRINIDAD AND TOBAGO ANTI-DOPING APPEAL PANEL

Establishment of the
Appeal
Panel

31. There is established an Appeal Panel to be known as “the Trinidad and Tobago Anti-Doping Appeal Panel”.

Composition and
appointment of the
Appeal Panel

32. (1) The Appeal Panel shall comprise six members appointed by the President on the advice of the Minister, as follows:

- (a) a Chairman and a Vice-Chairman, both of whom shall be Attorneys-at-law of not less than ten years standing;
- (b) two medical practitioners of not less than ten years standing and who possess experience in sports medicine;
- (c) a former sports administrator of not less than ten years standing; and
- (d) a former international-level athlete or a former national-level athlete.

(2) A member of the Appeal Panel shall hold office for a period of four years as specified in his instrument of appointment and is eligible for reappointment.

(3) Members of the Appeal Panel shall be appointed on such terms and conditions as are determined by the President.

(4) The President shall cause the appointment of members of the Appeal Panel to be published in the *Gazette*.

(5) In the absence of the Chairman, the functions of the Chairman shall be performed by the Vice-Chairman.

(6) Where a member is absent or temporarily unable to perform his duties, the President may appoint a person to act for that member.

(7) A member of the Appeal Panel may resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the President, and the Chairman may resign his office by instrument in writing addressed to the President.

(8) The President may terminate the appointment of a member of the Appeal Panel where that member—

- (a) behaves in such a way as is likely to bring the Appeal Panel into disrepute;
- (b) fails, without reasonable excuse, to carry out any of his duties in a responsible or timely manner;
- (c) is unable by reason of physical or mental incapacity to perform his duties or is otherwise unable or unfit to perform his duties; or
- (d) becomes bankrupt or compounds with his creditors.

(9) Where a vacancy in the Appeal Panel arises, the President may, on the advice of the Minister, appoint a person to fill the vacancy.

- 33. (1)** The Appeal Panel shall hear and determine—
- (a) appeals from a decision of the Disciplinary Panel—
 - (i) that an anti-doping rule violation was committed;
 - (ii) imposing sanctions for an anti-doping rule violation;
 - (iii) that no anti-doping rule violation was committed; or
 - (iv) that an anti-doping rule violation proceeding cannot go forward for procedural reasons;
 - (b) appeals from a decision to impose sanctions referred to in section 26(3);
 - (c) appeals from a decision of TUEC to grant or refuse a Therapeutic Use Exemption to a national-level athlete;
 - (d) appeals from a decision of an anti-doping organisation on the grounds that it lacks jurisdiction to rule on an alleged anti-doping rule violation or on the imposition of sanctions in relation thereto;
 - (e) appeals from a decision by an anti-doping organisation not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation or a possible anti-doping rule violation, as the case may be;
 - (f) appeals from a decision by an anti-doping organisation or other body not to go forward with a possible anti-doping rule violation after an investigation required under the Anti-Doping Rules; and

(g) appeals from a decision to impose a provisional suspension as a result of a provisional hearing or a decision concerning the violation of a provisional suspension.

(2) Upon the lodging of an appeal, the Appeal Panel shall—

- (a) receive, hear and examine the evidence relating to the appeal within twenty-one days;
- (b) issue a written decision within seven days after the conclusion of the hearing; and
- (c) issue written reasons for any decision within fourteen days after the written decision has been issued.

34. On the hearing of an appeal from a decision, the Appeal Panel may— Powers of the Appeal Panel

- (a) confirm, vary, amend or set aside the decision;
- (b) make any such decision as the Disciplinary Panel or other body from whose decision the appeal is brought might have made;
- (c) make any decision which ought to have been made; or
- (d) make such further or other decision as the nature of the case may require.

PART VI MISCELLANEOUS

35. (1) A person exercising a function under this Act shall declare any direct or indirect interest that he has, or ought reasonably to know that he has, in any matter in relation to which he is required to make or participate Conflict of interest

in the making of a decision in the exercise of that function and shall cease to participate in the decision-making process.

(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to a fine of twenty-five thousand dollars.

Confidentiality

36. (1) Every—

- (a) member of TTADO;
- (b) officer or employee of TTADO;
- (c) expert retained by TTADO;
- (d) member of TUEC; and
- (e) member of the Results Management Committee,

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 disclosure of such information is authorised by TTADO, an order of Court or any written law.

(2) Every member, officer or employee of the Disciplinary Panel or the Appeal 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 disclosure of such information is required for the exercise of his functions or is authorised by an order of Court or any written law.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars.

Sanctions against
national governing
bodies

37. Where a national governing body does not comply with the provisions of this Act, TTADO may make recommendations to the Minister to withhold, in whole or in part, financial or non-financial support from the national governing body.

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 5 of 2013

THIRD SESSION
TENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to provide for the implementation of the UNESCO International Convention against Doping in Sport, the establishment of the Trinidad and Tobago Anti-Doping Organisation, the Trinidad and Tobago Anti-Doping Disciplinary Panel and the Trinidad and Tobago Anti-Doping Appeal Panel, the promotion of an anti-doping environment which encourages positive behaviour among participants in sport and dissuades them from using prohibited substances and prohibited methods and for other related matters

Received and read the

First time

Second time

Third time