

## **Detail Recommendations of the Study Group**

- **National Sports Development Authority (NSDA).**

- Objects
  - Provide leadership for the development of Sports in SL, including policy formulation and implementation.
  - To achieve excellence in Sports providing opportunities for competition both locally and Internationally.
  - Encourage increased participation in Sports in order to create a healthy nation by providing Recreational, Exercise and Sports facilities accessible to all Sri Lankans.
  - Enable and provide the required resources, facilities and services to achieve the above objects and to improve the Educational and other Supporting Skills required to do so, whilst creating a society of improved character.
  - Improve the standard of Coaching Skills that will lead to an improvement in the Sporting Skills of Sri Lankan Athletes.
  - Encourage the private sector to support the Funding of Sport.
  - Foster and improve sporting relations with other nations.
  - Creating opportunities for developing Sports Tourism
- Proposed Composition of the NSDA - 11 Members consisting of the following: -
  - Three (03) members who are recognized as Outstanding Professionals in their fields or from the field of Business and Commerce.
  - Two (02) members who are either Past Captains of a National Sports Team or who have rendered exceptional and outstanding service to Sport and the country.
  - One (01) Past Chairman or President of a Registered NSA which is not under the NOC.
  - Chairman of the NOC (ex- officio)

- Secretary Ministry of Sports (ex-officio)
- A Nominee from the Secretary to the Treasury.
- A Nominee from the Secretary Ministry of Education.
- A Nominee from the Secretary Ministry of Health.

○ Appointment Procedure and Tenure: -

- Other than the nominees of the Treasury, the Ministries of Education and Health, the Secretary Ministry of Sports and Chairman NOC, all other nominations will be made by the Minister of Sports to the Constitutional Council ("CC") in writing.
- CC may accept such nominations or appoint members of its choice whom it deems suitable, as members of NSDA.
- CC shall nominate and appoint the Chairman of NSDA from amongst the members appointed.
- Members of NSDA shall hold office for 4 years.

○ Powers and Functions of NSDA: -

- To register and recognize a National Sports Association as the Sole Representative of that Sport in Sri Lanka. The NSA will be an Incorporated body and submit its Articles of Association with supporting evidence of processes in place for Compliance with the Guidelines of Governance and Ethics as per Annexure 02 Schedule 01 attached. As the size and nature of a NSA will vary considerably the Compliance requirements of a NSA will be tailored to meet the particular need on a case by case basis by consultation between the NSDA and the NSA.
- Tenure of Office – there will be a limit of two (02) terms for any individual holding a particular office in a NSA. However, in special circumstances which will be to the benefit of the Sport or to the Country, the Minister **may** vary this limit upon receiving the written recommendation of the NSDA.

- advise the Minister in relation to the development of Sports
- formulate a National Policy for Sports and Sports Development.
- ensure the effective implementation of these policies.
- administer the National Sports Fund.
- raise funds for the National Sports Fund, and for this purpose to conduct a lottery or lotteries either directly or in partnership with private sector or any other public organization.
- develop and implement sports programs that will meet its objects of participation and performance.
- improve and upgrade the knowledge and level of Sports Medicine and care given to sportsmen and women.
- develop sports science and impart knowledge through the development of specialized courses provided in this field.
- maintain existing facilities and provide new in areas that require such facilities to meet the objects of the Authority.
- ensure that all monies allocated for Sports are used for their intended purpose.
- work closely with the NOC and other NSA's Affiliated to International Sports Federations in promoting the sport locally in compliance with the statutes and guidelines of such International Federations.
- oversee the integrity of all sporting activities in SL ensuring they are free of Doping and Match-Fixing. The functions of the Authority will not overlap the functions of the Anti - Doping / Anti – Corruption Authority BUT will complement its work in ensuring compliance in all Sports related activities.
- the authority may cooperate with any other relevant organization within SL in the furtherance of its objects.
- the Authority is empowered to use its best Judgement in the exercise of its powers in performing the above functions.
- the Authority may perform its functions within or outside SL.

- The Authority has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions and, in particular, may: -
  - enter into Contracts
  - engage persons to perform services for the Commission.
  - appoint agents and attorneys, and act as an agent for other persons, and
  - make grants or to lend money, to provide scholarships or like benefits, and,
  - accept gifts, grants etc. made to the Authority or act as Trustee of any money or property vested in the Authority.
  - obtain Commercial Sponsorships and participate in marketing arrangements involving endorsement by the Authority of Product and Services associated with Sports.
  - provide goods and services (whether by sale or otherwise) to persons using or otherwise attending at facilities of the Authority.
- the Authority may charge such fees, or impose such charges, as are reasonable in respect of:
  - access to or use of the resources or facilities of the Authority, and,
  - the provision of programs, services, information or advice by the Authority, and,
  - the admission of persons to events and activities conducted by the Authority.
- Other Provisions
  - The Authority will function under the name of The National Institute of Sports Medicines, National Institute of Sports Science and any such other in performing some of the powers assigned above.

- The National Sports Fund – will operate under the NSDA which will be responsible for the proper Management and Accounting of all monies received into the Fund. It will be empowered to raise funds of its own accord from Private funding sources.

- **Powers of the Minister of Sports**

- To Nominate the Chairman and other designated Members to the CC for appointment to NSDA
- Subject to the provision below, the Minister may give written instructions to NSDA with respect to the Policies and Practices to be followed by the NSDA in the performance of its functions, and the exercise of its powers, and the Authority shall comply with such directions.
- The Minister shall not give such direction under the above provision unless the Minister has (a) informed the Authority in writing that he is considering giving such direction and (b) given the Chairperson the opportunity to discuss the need for such proposed direction from the Minister.
- The Minister will cause such direction given under sub-section (02 above) (a) to be published in the Gazette as soon as practicable after giving such direction, and (b) present before the House of Parliament within six months, after giving the direction. Any such direction not approved by the parliament shall be deemed rescinded.
- The present powers of the Minister under Section 28 to name Sports for which NSAs can be formed shall be exercised in consultation with NSDA.
- Powers of the Minister under section 30 to be vested in the SGRT
- Powers of the Minister under section 31 to be exercised in consultation with NSDA

- Power of the Minister under section 32,33 to suspend any NSA or to appoint any interim committee shall be exercised only on the recommendation of NSDA.
- Power of the Minister under section 34 to dissolve any NSA shall be exercised only on the recommendation of NSDA.
- Power of Minister to issue general or special directions under section 39 shall not be exercised without prior consultation with the NSDA
- Power of Minister to order investigations into any NSA shall be carried out through NSDA.
- Power of Minister under section 40 to regulate and control participation in sports in SL or abroad shall be exercised only on the recommendation of NSDA.

- **Directors of Sports**

- Responsible for administration of NISS and NISM
- Responsible for administration of Sports complexes/infrastructure owned by the Ministry.
- Responsible for Implementation of other directions issued by NSDA.

- **Other Provisions**

- National Sports Council created by section 4 of Sports Law to be abolished
- District Sports Committees set up under section 11 to be abolished, but the NSDA to have power to set up district committees in the policy formulation stage.
- NOC set up under section 18 to have a nominee on the Board of the NSDA.

- **Sports Grievances Resolution Tribunal (SGRT)**

- Proposed to be introduced by legislation
- To consist of a panel of ten ( 10 ) judges one of whom will be appointed as the Presiding judge who will be responsible for nominating a panel

of three ( 03 ) judges to hear any matter brought to it's attention following laid down procedure.

- Appointments to the panel shall be as follows :
  - 4 members nominated by NOC in consultation with NSAs associated with it.
  - 3 members (retired judges) nominated by retired Judge's Association
  - 3 members nominated by NSAs representing non-Olympic sports.
- Members to hold office for 4 years
- SGRT to have jurisdiction to hear the following matters: -
  - Grievances in respect of any Sports related dispute that arises between a National Sports Association and a Member, Office Bearer, holder of paid or unpaid officer or a Club or Affiliate of such Association;
  - Grievances arising from a decision of the NSDA, in respect of any sports related matter made in pursuance of the power vested with it under the Sports Law or regulations, other than administrative or departmental decisions made.
  - Grievances arising from a decision of any National Sports Association or any final decision of a Committee of such National Sports Association, other than the Election Committee;
  - Grievances arising from any decision of Election Committee of National Sports Association.
  - Any other matter as may be specified.
- A hearing panel to be contributed in following manner.
  - In the case of a dispute between two parties, upon reference to the dispute for resolution by the Tribunal, the two parties to the dispute may nominate one Member each from the Tribunal to the Panel, as their Nominee and the Two members so nominated by

the two parties to the dispute shall jointly nominate a member of the tribunal who is a retired judge who shall functions as the Chairman of such panel.

- In the case of appeal, the party making the appeal may nominate one member from the tribunal to the panel as such party's nominee with written notice to the person/entity whose determination is challenged in the appeal, upon receiving such notice within 10 days from the receipt of the notice the recipient of such notice shall nominate one Member from the tribunal to the panel as such recipient's nominee and the two members so nominated shall jointly nominate a Member of the tribunal who is a retired Judge who shall function as the Chairman of such panel.
- The SGRT to determine any dispute or appeal referred to it within three (03) months
- The SGRT shall be empowered to order interim measures of protection, where it is just and convenient
- The decision of the SGRT to be final and binding save as the right to appeal to CAS.

  

- **Governance Ethics & Compliance**
  - Governance Principles – Board and Management Processes
  - Ethics – Code of Conduct relating to Anti-doping and Anti – Corruption
  - Compliance – to ensure NSA's are in compliance with the above Guide Lines and Principles
- **Proposed Administrative Structure**

The proposed Administrative structure is given Annexure 03.