

Content

Title :	Act for Establishment of the National Sports Training Center 
Date :	2014.01.22
Legislative :	1.Presidential Order Yi.Yi.Zi No. 10300009921 promulgated January 22, 2014: complete text of 33 articles, with the date of effect to be determined by the Executive Yuan
Content :	<p>Article 1 This Act has been formulated to establish the National Sports Training Center (hereinafter abbreviated to "NSTC") in order to promote national sports training and related matters, nurture outstandingly talented athletes and sportspeople, and improve international sports competitiveness.</p> <p>Article 2 The NSTC is an administrative corporation, and its supervisory agency is the Ministry of Education. The Ministry of Education may commission or designate a competent authority to be responsible for overseeing the operations of the NSTC.</p> <p>Article 3 The scope of operations of the NSTC is as follows: 1. The selection, training, and counseling of outstanding national athletes and sportspeople. 2. The development and further education of outstanding international-grade coaches. 3. Implementation of sports science to support training programs. 4. The operation and management of NSTC sporting venues. 5. Career guidance and counseling for outstanding athletes. 6. Cooperation and exchanges with organizations in Taiwan and overseas related to sports training. 7. Other matters related to the advancement of competitive sports.</p> <p>Article 4 Funding of the NSTC comes from the following sources: 1. Government appropriations and donation (subsidy) assistance. 2. Donations from domestic and foreign public and private organizations, groups, and individuals. 3. Operating revenue. 4. Other revenue. The donations referred to in Subparagraph 2 of the previous paragraph shall be regarded as equivalent to a donation made to the government.</p> <p>Article 5 The NSTC shall formulate rules governing personnel management, the accounting system, internal controls, auditing operations, and other matters, and after the rules have been approved by the board of directors, submit them to the supervisory agency for future reference. The NSTC may formulate rules pertaining to its undertaking of public affairs, as long as such rules are not in conflict with any existing laws, regulations, or ordinances, and after the rules have been approved by the board of directors, shall submit them to the supervisory agency for future reference.</p> <p>Article 6 The NSTC shall set up a board of directors and appoint between 11 and 15 members; the persons listed below shall be selected by the supervisory agency and the selections submitted to the Premier of the Executive Yuan to make the appointments; the dismissal of board members shall be conducted in the same way. 1. Representatives of related government agencies. 2. Scholars and experts in fields related to sports. 3. Private enterprise operation experts and management experts. 4. Members of society who have made a significant contribution to the development of Taiwan's sports. The</p>

board members in the category described in Subparagraph 1 of the previous paragraph may not comprise more than one-third of the total number of board members; the board members in the category described in Subparagraph 2 may not comprise less than one-half of the total number of board members. Of the directors in Paragraph 1, at least one shall be an indigenous person and any gender shall not comprise less than one third of the total number of directors.

Article 7

The NSTC shall put in place three supervisors, who shall mutually nominate one of the three to act as the managing supervisor. The supervisory agency shall select supervisors who have relevant expertise and experience in the field of sports, law, or accounting; then submit their names to the Premier of the Executive Yuan to make the appointments; their dismissal shall be conducted in the same way. Any gender may not comprise less than one third of the supervisors referred to in Paragraph 1.

Article 8

The term of office for the board of directors and supervisors is four years, at the end of which they may be reappointed once. The number of members being reappointed may not be more than two-thirds of the total number but may not be less than one-third of the total number. Any board member representing a government agency shall be replaced by another representative if the original person's official capacity at the agency changes; these representatives are not subject to the restriction on the number of terms of office referred to in the previous paragraph; if the position of a board member or supervisor who has been reappointed in accordance with Subparagraphs 2 to 4, Paragraph 1, Article 6, and Paragraph 2 of the previous article becomes vacant before they complete their second term, it shall be temporarily filled by the supervisory agency selecting someone and submitting their name to the Premier of the Executive Yuan to approve their appointment. Their term of office is the same as that of the person who vacated the position and ends at the time when that person's term of office would have ended.

Article 9

A person to whom any of the circumstances listed below pertains may not be reappointed as a board member or supervisor: 1. Declaration of custodianship or assistance status that has not yet been revoked. 2. Being convicted of a criminal offence and sentenced to imprisonment with no suspension. 3. Having been declared bankrupt and not yet had their full rights restored. 4. Deprivation of civil rights that have not yet been restored. 5. Certification from a public hospital of incapacity to carry out duties and responsibilities because of physical or mental impairment. Any board member or supervisor to whom any one of the situations listed in the previous paragraph pertains or who have not attended three board meetings in succession without a valid reason for their absence shall be dismissed. Any board member or supervisor to whom any one of the circumstances listed below pertains may be dismissed: 1. Evidence that disorderly or unrestrained behavior, or unacceptable improper conduct is bringing the image of the NSTC into disrepute. 2. Instances of inability to carry out their responsibilities or neglecting to do so, or acting in serious breach of their contract. 3. For two years in a row, their NSTC annual performance review does not meet the standards set by the supervisory agency. 4. Evidence of having violated the Public Servants' Administrative Neutrality Act. 5. Evidence of being influenced by lobbying or requests with regards to matters they are in charge of or using their position to accept hospitality, gifts and largess, damaging the public interest or the interests of the NSTC. 6. Evidence of the use of NSTC assets that is beyond the scope of any requirements of their duties. 7. Evidence of violation of the principle of avoiding conflicts of interest stipulated by this Act or of violation of the first section of Paragraph 1 of Article 15 that specifies transactions that are prohibited. 8. Other improper conduct unbecoming of someone in the post of a board member or supervisor. The supervisory agency shall provide the person involved in any of the circumstances listed in the previous paragraph with an opportunity

to make a statement and to lodge an appeal prior to their dismissal. The regulations governing the manner of the selection, dismissal, and reappointment of the NSTC board members and supervisors, and other related matters, shall be determined by the supervisory agency.

Article 10

The NSTC shall have one chairperson of its board of directors, selected from among the board members by the supervisory agency, and appointed by the Premier of the Executive Yuan; the same procedure applies to the dismissal of the chairperson. The selection and appointment of the chairperson shall be undertaken in accordance with the operational regulations formulated by the supervisory agency. The chairperson is in overall charge of all the NSTC's internal affairs and is the NSTC's external representative. If for some reason the chairperson becomes unable to perform their duties, a board member they have delegated to act for them shall assume their responsibilities; if the chairperson is unable to delegate a board member, the board members shall appoint one of their number to act as chairperson. A chairperson may not be older than 65 years of age when they first take office, and if a chairperson turns 70 before the end of their term of office someone else shall immediately replace them as chairperson. This restriction may be set aside if there are special circumstances to consider and approval is given by the Executive Yuan.

Article 11

The board of directors has the following responsibilities: 1. Deliberate on development objectives and plans. 2. Deliberate on the annual business plan. 3. Deliberate on the annual budget and the final accounts report. 4. Deliberate on NSTC rules. 5. Deliberate on matters involving real estate owned by the NSTC or the designated responsible parties. 6. Deliberate on matters that this Act stipulates shall be decided by the board of directors. 7. Appointment and dismissal of the executive director. 8. Fundraising. 9. Deliberate on other major matters.

Article 12

The board of directors shall meet once every three months; when necessary, an extraordinary meeting may be convened by the chairperson who will chair the meeting. Board of directors meetings shall be attended by at least half of the board members, and resolutions shall be approved by at least half of the board members who are present at the meeting. The resolutions referred to in Subparagraphs 1 to 7 of the previous article shall be approved by more than half of all board members.

Article 13

The supervisors have the following responsibilities: 1. Supervise business affairs and financial circumstances. 2. Audit all financial records, documents, and asset information. 3. Thoroughly examine the final accounts report. 4. Thoroughly examine and audit of other major matters. A supervisor may carry out responsibilities on their own; the managing supervisor shall attend board of directors meetings as a non-voting member representing all the supervisors.

Article 14

Board members and supervisors shall comply with the principle of avoiding conflicts of interest and may not exploit the power, opportunities, or methods of their position to conspire to solicit benefits or gain for themselves or for a close relation; regulations governing the scope of conflicts of interest to be avoided and how to deal with violations if they occur shall be formulated by the supervisory agency. There may not be any current or former marriage relationship nor any third-degree blood or marriage relative relationship between any board members and supervisors. In this Act, the term "close relation" refers to a spouse or a second-degree blood relative relationship.

Article 15

Board members, supervisors, or any close relation of theirs may not engage in any form of buying and selling, rental, or contract with the NSTC, but

this restriction does not apply if there is a proper reason and if the board of directors has passed a special resolution approving the matter. If a violation of the provisions of the previous paragraph causes the NSTC to incur any loss or damage, the person or persons who violated the provisions shall be held liable for compensation for damages. Regarding the proviso situation set out in Paragraph 1, the NSTC shall proactively make details of the special resolution passed by the board of directors public within 20 days of the meeting, and submit a report to the supervisory agency for future reference.

Article 16

The board members, and the managing supervisor who attends as a non-voting member, shall personally attend all board meetings and may not appoint another person to attend as their proxy.

Article 17

The chairperson, board members, and supervisors of the NSTC are all positions without remuneration.

Article 18

The NSTC shall put in place a full-time executive director; the executive director shall be appointed by the chairperson after a meeting of the board of directors endorses the selected candidate; the dismissal of an executive director shall be conducted in the same way. The executive director shall perform their NSTC duties and supervise their staff in accordance with NSTC rules, and resolutions of the board of directors, and as authorized by the chairperson. The provisions of: Paragraph 1, the first section of Paragraph 2, and Paragraphs 3 and 4, Article 9; Paragraph 2, Article 10; Article 14; Article 15; Paragraphs 2 and 3, Article 19; and Article 21, Subparagraph 6 pertaining to the board of directors and the chairperson shall be applied, mutatis mutandis, to the executive director.

Article 19

The staff of the NSTC shall be dealt with in accordance with the NSTC's personnel management regulations. NSTC personnel do not have civil servant status, and all their NSTC duties and responsibilities shall be clearly stated in their employment contract. All third-degree relatives, by blood or marriage, of the board of directors and the supervisors may not be appointed to any general administration, accounting, or personnel position at the NSTC. The chairperson may not employ any third-degree relative, by blood or marriage, for any position at the NSTC.

Article 20

The NSTC shall formulate development objectives and plans, and submit these to the supervisory agency to be checked and ratified. The NSTC shall formulate an annual business plan and associated budget that shall be submitted to the supervisory agency for future reference after being approved by the board of directors.

Article 21

The supervisory jurisdiction of the supervisory agency over the NSTC comprises the following: 1. Checking and ratification of development objectives and plans. 2. Checking and ratification or filing for future reference of the NSTC's rules, the annual business plan and budget, the results of its annual operations, and its final accounts report. 3. Examination of assets and financial circumstances. 4. Evaluation of the business performance. 5. Selection of board members and supervisors and making recommendations. 6. When any board member or supervisor violates of any law or regulation while undertaking NSTC business, it may take necessary disciplinary action. 7. Revocation, modifications, cancellations, demand for improvements within a prescribed time, suspension or termination of operations, or other disciplinary action, at any time that the NSTC acts in violation of the Constitution, or any law, regulations, or ordinances. 8. Approval of matters involving real estate owned by the NSTC or designated responsible parties. 9. Any other supervisory action required by and in accordance with law.

Article 22

The supervisory agency shall invite representatives of related organizations, academics and experts, and impartial citizens to form a group to conduct a performance review of the NSTC; the academics and experts and impartial citizens may not comprise less than one-half of the total number of persons. Regulations governing the appraisal method, procedure, and other related matters of the performance review referred to in the previous paragraph shall be determined by the supervisory agency. The content of the performance review is as follows: 1. Assessment of the results of the NSTC' s annual operations. 2. Evaluation of the NSTC' s business performance and its target achievement rate. 3. The proportion of the NSTC' s annual funding achieved by its own fundraising. 4. NSTC proposals for budget appropriations. 5. Other pertinent matters.

Article 23

The accounting year of the NSTC shall be the same as that of the central government. The NSTC' s accounting system shall be formulated in accordance with the pertinent laws and regulations governing the setting up of accounting systems in administrative corporations. The financial reports of the NSTC shall be checked and certified by an accountant commissioned to do so.

Article 24

Within three months after the end of each accounting year, the NSTC shall commission an accountant to check and certify the results of its annual operations and its final accounts report, then submit these to the board of directors for deliberation; after all three supervisors approve the reports, they shall be submitted to the supervisory agency for future reference, and copies sent to the auditing agency. The auditing agency may audit the final accounts report referred to in the previous paragraph; the results of the audit may be sent to the supervisory agency or to another related agency to undertake any necessary further action.

Article 25

Within the scope of the original budget, the funding appropriated by the government in the year in which the NSTC is established may be adjusted by the supervisory agency in response to circumstances, without being subject to the provisions of Articles 62 and 63 of the Budget Act.

Article 26

At the time of the NSTC' s establishment, public real estate required for the NSTC to conduct its affairs shall be provided by the supervisory agency for use at no cost. When the NSTC is established and undergoing construction, public real estate that it will need to use after construction is completed shall be provided in the same way. Public real estate required for the NSTC to conduct its affairs may be donated to the NSTC by the supervisory agency or be made available for use at no cost, and the relevant provisions of Articles 25 and 26 of the Budget Act, and Articles 28 and 60 of the National Property Act shall not be applicable to such donations. After the NSTC has been established, it may purchase public real estate required to undertake its operations. The published current land value shall be used as the standard guideline for the price of the land. The current valuation for that year provided by the Tax Collection Agencies shall be used as the standard guideline for the price of the buildings on the land and land improvements. A value estimation made by public asset management agency shall be used as the standard guideline in the case of land or buildings without a current valuation. Assets purchased by the NSTC for a designated use with approved funding appropriated by a government agency are classed as public assets. Assets other than the public assets provided for use at no cost referred to in Paragraph 1 and the public assets referred to in the previous paragraph that are acquired by the NSTC are classed as private assets. The NSTC is registered as the manager of the assets provided at no cost referred to in Paragraph 1 and of the public assets referred to in Paragraph 3. All profit generated will be classed as revenue of the NSTC and is not subject to the provisions of

Paragraph 1, Article 7 of the National Property Act; the regulations governing matters associated with these assets' management, use, and any associated profit shall be determined by the supervisory agency. When the use of public assets is terminated, they should be handed over to the public assets management agency at each level. Public assets accepted as donations by the NSTC shall be returned to the agency that donated them when their use is no longer required; they may not be dealt with in any arbitrary way.

Article 27

All approved funding appropriated to the NSTC by any government agency shall be handled in accordance with the legally stipulated budget procedures, and be audited and inspected. In any year that the approved funding appropriated by a government agency exceeds 50% of the NSTC' s forecast annual revenue sources, the supervisory agency shall send the annual budget to the Legislative Yuan for deliberation.

Article 28

All debts incurred by the NSTC are restricted to being self-liquidating in nature and shall be checked and ratified beforehand by the supervisory agency. If any concerns arise that self-liquidation may not be possible at the conclusion of budget implementation, an examination of the situation shall immediately be undertaken and corrective measures proposed, and ratified by the supervisory agency.

Article 29

The NSTC shall undertake procurement operations on the fundamental principles of transparency and justice; with the exception of circumstances stipulated in any treaty or agreement that the Republic of China has entered into, or in Article 4 of the Government Procurement Act, which shall be governed by the associated provisions and will not be subject to the provisions of the Government Procurement Act., the implementation regulations governing NSTC procurement operations shall be determined by the NSTC and checked and ratified by the supervisory agency; Other provisions in any laws or regulations governing procurements that would otherwise be undertaken in accordance with the provisions of Article 4 of the Government Procurement Act, mentioned in the previous paragraph, take precedence.

Article 30

Any information about the NSTC shall be made public in accordance with the pertinent regulations of the Freedom of Government Information Law; its annual financial reports, details of its business activities that year, and its annual performance review reports shall proactively be made public. An analysis report of the annual performance review reports referred to in the previous paragraph shall be submitted by the supervisory agency to the Legislative Yuan for archiving. When necessary, the Legislative Yuan may require the head of the supervisory agency, together with the NSTC chairperson, and its executive director or a manager associated with the matter being examined to personally go to the Legislative Yuan to provide a report of the state of the NSTC' s operations circumstances and other details requested.

Article 31

Anyone who has an objection to an NSTC administrative disciplinary measure may lodge an appeal, in accordance with the provisions of the Administrative Appeal Act, with the supervisory agency.

Article 32

If changes in circumstances or poor performance make it impossible for the NSTC to achieve the objectives it was set up for, the NSTC shall be dissolved by the supervisory agency after it submits a report to the Executive Yuan and approval is given. If the NSTC is dissolved, the contracts of all personnel shall be terminated; its remaining assets shall be taken over by the government; and any outstanding debts shall become the responsibility of the supervisory agency.

Article 33

The date of effect of this Act shall be determined by the Executive Yuan.

Data Source : Ministry of Sports Laws and Regulations Retrieving System