

APPLICATION INSTRUCTIONS

National Sports Tribunal

The National Sports Tribunal (NST) provides a cost-effective, efficient, transparent, and independent forum to resolve sporting disputes within Australia.

Use the NST Application Form to apply for the NST to resolve your dispute.

Lodging your application

1. **Complete** the Application Form (marking all relevant boxes or writing text).
2. If necessary, **get agreement** from all Parties (i.e., the other people or organisations involved in this dispute)
3. **Submit** your Application Form by emailing it to submissions@nationalsportstribunal.gov.au along with any relevant attachments (if unable to email, call the NST on 1300 768 578)

Urgent Application

If your application is **URGENT** (i.e., there is an upcoming deadline, e.g., for selection):

1. please call the NST on 1300 768 578 to notify the Registry of the urgency;
2. you will need to pay the application fee when submitting your application form.

Sharing this information

The information you include in this form may be provided to other Parties to manage this dispute in accordance with our legislation (see also Schedule 1 of the Application Form).

Support

If you or any other Party require support during the NST process (due to a medical condition, illness, injury, or disability), please tick yes in question 8 of the Application Form.

If you tick yes, the NST Registry will connect with you to discuss. The information you provide in the discussion with the NST Registry will not be shared with the other Parties. There will also be further opportunities to advise the NST of your requirements for support throughout the process.

Assistance with completing the Application Form

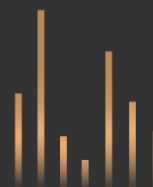
NST Registry staff cannot provide legal advice but can assist and give you information about:

- NST processes
- how to make an application to the NST
- how to fill out forms
- where to find useful documents, including legislation
- other organisations that may be able to assist you

You can contact the NST Registry:

- by phone on 1300 768 578
- by email at enquiries@nationalsportstribunal.gov.au

The NST website also contains information that may assist you: www.nationalsportstribunal.gov.au.



Paying the Application Fee

An application fee must be paid or waived by the NST for the application to progress. The application fee can be paid by one Party or shared between multiple Parties; the rules of your sport may specify who pays the application fee. Detail on waiver and how to pay can be found below.

DIVISION	APPLICATION FEE
General Division	\$500.00 (incl. GST)
Appeals Division	\$1,500.00 (incl. GST)
Anti-Doping Division	No fee

NOTE: Additional fees to resolve your dispute may apply. These will be discussed with you and the other Parties after your application has been received and assessed by the NST.

Arbitrations, mediations, conciliations and case appraisals are run in the General Division. Only arbitrations are run in the Appeals Division and the Anti-Doping Division.

Financial hardship & information about fees

If you or your organisation are experiencing financial hardship, you can apply for your application fee to be waived.

To find out more about the costs involved in dispute resolution and how to apply to waive the fee, visit:
<https://www.nationalsportstribunal.gov.au/dispute-resolution-services/cost-using-nst-services>.

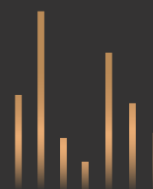
How to Pay the Application Fee

1. Via direct deposit:
 - a) Bank State Branch (BSB): 092-009
 - b) Bank Account: 110 978
 - c) Account name: Department of Infrastructure
 - d) Your reference number will be < NST26 + your surname or the Sporting Body initials (depending who pays) > (e.g. NST26Smith or NST26ABC)
 - e) Send us evidence of your successful payment. For instance, take a screenshot of the payment confirmation and upload it with your application form.
2. Via credit card:
 - a) You can pay by credit card over the phone on **(02) 6136 7555** (option 3) between 9am-5pm EST Monday to Thursday and 9am-4pm EST on Friday.
 - b) Your reference number will be < NST26 + your surname or the Sporting Body initials (depending who pays) > (e.g. NST26Smith or NST26ABC)
 - c) Quote your receipt number when submitting your application.

What happens after you submit your application form

ACTION: the steps outlined below are a guide only. Always check the rules of your sport, follow any specific requirements, and be aware of any time limits that might apply.

1. We will **review your application** and assess if the NST can deal with your case.
2. The Case Manager assigned to the case will **contact you** to discuss your application and (if required) contact the other Parties.
3. We will **ask you to pay the application fee** and provide proof of payment to progress your application (if not paid when lodging the Application Form).



Glossary of common terms

Active Party – a Party to the dispute, either as the Applicant or Respondent:

- When a dispute is between a person and a Sporting Body, both Parties are Active Parties to the dispute. A dispute of this kind is brought before the NST in accordance with section 23 of the NST Act (arbitration of a dispute between a person and a Sporting Body), or section 25 of the NST Act (alternative dispute resolution of a dispute between a person and a Sporting Body).
- Sporting Bodies can be an Active Party or a Referring Party (see below). All other Parties are Active Parties.

Applicant – the party making the Application. Will generally be either the Sporting Body (if referring the matter to the NST) or the 'complainant', being the party in dispute with the Sporting Body.

Authorised Representative – may generally be any person, so long as they are not conflicted.

Binding / Non-Binding – Binding decisions are legally enforceable, meaning you must accept the decision or go through a legal appeals process. A non-binding decision is not legally enforceable.

Dispute – A disagreement or argument between two or more Parties.

Lawyer – A person who is admitted to the legal profession by a Supreme Court of a State or Territory.

National Sporting Organisation (NSO) – a sporting organisation recognised by the International Sporting Federation, or an organisation recognised by the Australian Sports Commission (more details available at https://www.sportaus.gov.au/australian_sports_directory).

NST Act – the National Sports Tribunal Act 2019, under which the NST was established.

Party – in an application for the arbitration of a dispute, a person or body permitted by the NST Act to be a Party. In an application for mediation, conciliation or case appraisal, a person or Sporting Body permitted by the NST Act to be a participant (*NST (Practice and Procedure) Determination 2024*).

Party types – in an application form include an athlete, member of a sporting organisation (e.g. a coach or club official), another sporting organisation (e.g. State Sporting Organisation or Club).

Person under a legal incapacity – means (as set out in the National Sports Tribunal (Practice and Procedure) Determination 2024):

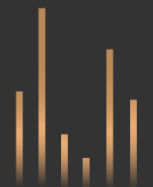
- a) a minor; or
- b) a person with a mental disability.

Referring Party – the role the Sporting Body plays for a dispute between two or more other parties:

- When a dispute is between 2 or more persons, the Sporting Body will typically be the Referring Party to the dispute (e.g., *Applicant v Respondent (with Sporting Body)*) and will generally be less active in the dispute resolution process (but will not be in-active). A dispute of this kind is brought before the NST in accordance with section 24 of the NST Act (arbitration of a dispute between 2 or more persons), or section 26 of the NST Act (alternative dispute resolution of a dispute between 2 or more persons).
- The Sporting Body can also be an Active Party (see above).

Sporting Body – an NSO (see above) for a particular sport, or another sporting organisation that has been specified in the NST Sporting Body Policy (<https://www.nationalsporttribunal.gov.au/resources/sporting-body-policy>).

Tribunal Member – a Tribunal Member is an impartial third party who conducts arbitrations, case appraisals and resolutions by agreement. The NST Tribunal Members include top sport administrators, legal and medical professionals working in sport, and former athletes.



APPLICATION FORM

1. Sporting Body

Name of Sporting Body:			
Sporting Body Type:			
☐ Referring Party - dispute between two or more other Parties (see Glossary)			
☐ Active Party - Party to the dispute, either as the Applicant or Respondent (see Glossary)			
Sporting Body Contact Details			
Name:			
Position:			
Phone:		Email:	
Lawyer or other authorised person contact details (if applicable)			
Name:			
Phone:		Email:	

2. Parties

The Sporting Body does not need to be added in this section. If you need to add more than 3 other Parties, please provide the additional Party details when submitting your Application Form to the NST Registry.

a) Party 1

Name:			
Party Type:			
Organisation (if relevant):			
Position (if relevant):			
Phone:		Email:	
<i>If a Party is an individual person and under the age of 18 years, they must be represented.</i> <i>Is Party 1 under the age of 18 years or of legal incapacity?</i>			
☐ Yes (If Yes, Party 1 <u>must</u> be represented to access NST services – If No, leave blank)			
Lawyer or other authorised person contact details (if applicable)			
Name:			
Phone:		Email:	

b) Party 2

Name:			
Party Type:			
Organisation (if relevant):			
Position (if relevant):			
Phone:		Email:	
<i>If a Party is an individual person and under the age of 18 years, they must be represented.</i> <i>Is Party 2 under the age of 18 years or of legal incapacity?</i> ☐ Yes (If Yes, Party 2 <u>must</u> be represented to access NST services – If No, leave blank)			
Lawyer or other authorised person contact details (if applicable)			
Name:			
Phone:		Email:	

c) Party 3

Name:			
Party Type:			
Organisation (if relevant):			
Position (if relevant):			
Phone:		Email:	
<i>If a Party is an individual person and under the age of 18 years, they must be represented.</i> <i>Is Party 3 under the age of 18 years or of legal incapacity?</i> ☐ Yes (If Yes, Party 3 <u>must</u> be represented to access NST services – If No, leave blank)			
Lawyer or other authorised person contact details (if applicable)			
Name:			
Phone:		Email:	

3. What is the dispute about?

a) Select all that apply

- | | | |
|--|---|---|
| ☐ Anti-Doping | ☐ Selection and/or Eligibility | ☐ Code of Conduct |
| ☐ Contract | ☐ Employment | ☐ Governance |
| ☐ Improper Use of Drugs and Medicine | ☐ Member Protection | ☐ Safeguarding |
| ☐ Competition Manipulation and Gambling | ☐ Appeal from Sporting Body Tribunal | ☐ Appeal from NST General / Anti-Doping Division |
| ☐ Other: | | |

b) Documentation

Below is a non-exhaustive list of documents to provide together with the Application Form:

Anti-doping disputes – a copy of the infraction/breach notice and supporting documents received.

Appeals – If an appeal from a decision made by a Sporting Body Tribunal, please provide a copy of the decision (if available) or details of the decision, including the body that made the decision.

Provisional action – a copy of the Breach Notice and the response to the Sporting Body confirming a dispute of the provisional action together with the relevant Sporting Body policies.

Breach Notice – a copy of the Breach Notice and the response to the Sporting Body confirming a dispute of the findings and/or sanctions together with the relevant Sporting Body policies.

Alternative Dispute Resolution – please provide confirmation of all parties agreement in writing to participate in alternative dispute resolution at the NST.

Please provide any other documentation relevant in support of the application.

NOTE: The NST Registry may contact a Party or Parties to obtain further documentation or information prior to validating a matter.

c) Brief description of the dispute

On the next page, please provide a brief description of the dispute, including:

1. What has happened (include information about any incidents, relevant dates, decisions made, investigations undertaken, penalties applied etc.)?
2. What policies of your sport apply (e.g. Selection Policy, Code of Conduct, Member Protection Policy or other)? If possible, please attach.
3. What steps have already been taken to resolve the dispute (if any)?
4. What reasons do you have for making this application? If possible, reasons should include reference to a section of your Sporting Body's policies and procedures. Attach preliminary documents if applicable.

NOTE: Only brief responses are required at this stage, so that we have a basic understanding of the dispute. You will have further opportunities to provide detailed submissions, documents, and evidence

4. What outcome are you seeking?

Please provide a brief description of the outcome you are hoping for at the end of the NST process.

NOTE: This information helps us to better understand the dispute but will not limit or guarantee any outcomes from the Tribunal. Please refer, where relevant, to the Sporting Body policy or sanctioning guidelines.

5. Sporting Body Rules

NOTE: A Sporting Body applicant can skip questions 5 (a) and (b).

a) Have you discussed your application to the NST with your Sporting Body?

☐

Yes

☐

No (see below)

b) Do you consent to the NST contacting your Sporting Body about this application on your behalf? The NST can provide the application to your Sporting Body and explain to them how the process will work.

☐

Yes

☐

No

c) Do you know if the rules/policy of your Sporting Body recognise the NST to deal with this dispute?

☐

Yes (please attach the rules/policy).

☐

No (if the NST is not recognised in your Sporting Body rules/policy it is necessary for all Parties to agree to bring the matter to the NST. Agreement can be provided to the NST via email).

☐

Unsure (please refer to your Sporting Body's rules/policy (e.g. code of conduct or other policies). This can be discussed further in due course).

6. When do you need your case resolved by?

Do you have a specific date that you need your case resolved by (e.g. a selection deadline)?

☐

Yes Date:

☐

No (as soon as possible)

If yes, please provide the reasoning as to why you need the case resolved by this date.

NOTE: All cases will be resolved as soon as possible, this is only for specific deadlines.

7. Dispute resolution method

The NST offers three main forms of dispute resolution: resolution by agreed settlement, resolution through binding decision and case appraisal. Please select the form of dispute resolution you would like. If you are not sure, you can select more than one that interests you:

- ☐ **Mediation or Conciliation: Resolution by agreed settlement** – The NST Member will help to negotiate a mutually acceptable agreement to resolve the dispute. If the dispute is successfully resolved, the 'settlement agreement' is a contract between you and the other Party and will be enforceable.
- ☐ **Arbitration: Resolution through binding decision** – The NST Member will read and listen to arguments and evidence from the Parties and make a decision that is binding and enforceable.
- ☐ **Case appraisal:** The NST Member will read and/or hear arguments and evidence, and provide a non-binding opinion on the facts, the likely outcomes, and sometimes provide advice about appropriate next steps.
- ☐ **Unsure:** This will be discussed further with the NST and the other Parties.

NOTE: Anti-doping and appeals from a decision of a Sporting Body tribunal or the NST General Division can only be resolved through arbitration.

8. Support

If you or any Party have a medical condition, illness, injury, or disability which may mean you require additional support to participate in dispute resolution processes, please provide further detail below.

Would you like to discuss your support needs with someone from the NST?

- ☐ Yes
- ☐ No

NOTE: if you tick YES, the NST Registry will connect with you to discuss the Party's needs.

9. Declaration

I hereby declare that the information I have provided on this form is correct to the best of my knowledge and that I agree to the dispute being heard by the National Sports Tribunal.

I understand that if I provide information that I know to be incorrect which I later seek to rely on, the outcome of my application may be affected.

I accept that the information provided may be used by the NST for the purposes outlined in the National Sports Tribunal Privacy Policy (see Schedule 1 below).

Name:

Signed:

Date:

Schedule 1: Collection Notice

Privacy

The NST collects information, including personal information, for the purposes of resolving sporting disputes.

In general, personal information we collect and hold relating to a particular dispute will be disclosed to all Parties and their representatives.

For more information, see the full privacy policy here: <https://www.nationalsportstribunal.gov.au/using-our-website/privacy-policy>

What do we do with the information you give to us?

We collect personal information to process applications and resolve disputes under the *National Sports Tribunal Act 2019* (NST Act). If you do not provide all requested information, we may be unable to progress the application.

We may collect information about you from another Party to the dispute, or as required by or under the NST Act or another Australian law. We may give a copy of this form or any other information you provide as part of the dispute to another Party, person, or body permitted to participate in the dispute.

Proceedings before the NST will generally be held in private. Confidentiality and non-publication orders can also be sought.

Details about your dispute may be published in a list of matters on our website. After an arbitration, the NST will publish the decision or a case summary. Where appropriate, this will not contain information that would identify the Parties, or that could reasonably identify the Parties.

Only some decisions will be published:

- o Anti-doping matters: if it finds that an anti-doping rule violation has been committed.
- o Non-Anti-doping matters: with the Parties' consent or where the determination has significant precedential value.

We will only send your personal information overseas if a Party (including an international sporting federation), representative or witness is located outside Australia.

Your data may be used to improve NST services. This includes use for continuous improvement purposes and conduct of formal service evaluation. To fulfil this purpose, we may disclose data about you, the services you receive from the NST, and the matter, dispute, or case you are involved in to third party organisations which are contracted to support our improvement and evaluation activities. Data disclosed in this way will be used only for the purpose of continuous improvement or evaluation and for no other purpose.

You can opt out of contribution to the evaluation by emailing enquiries@nationalsportstribunal.gov.au. Choosing not to contribute your data will not have any impact on the services you receive from the NST.

Further details about the way we handle your information, including how you can access the information we hold about you or make a complaint, is available in our Privacy Policy, available on our website www.nationalsportstribunal.gov.au/using-our-website/privacy-policy.