

FACTSHEET

ALLOCATING MEMBERS TO A DISPUTE

HOW TRIBUNAL MEMBERS ARE SELECTED

For arbitrations in the Anti-Doping Division and General Division, the Tribunal will normally comprise one member, but may comprise three members, depending on the complexity of the dispute.

For arbitrations in the Appeals Division, the Tribunal will normally comprise three members, but may comprise more members, depending on the complexity of the dispute.

Mediations, conciliations and case appraisals will be conducted by a single Tribunal Member.

Preliminary Conference

During the preliminary conference conducted between the CEO of the NST (or the CEO's delegate) and the parties to the dispute, the parties will provide important information that will enable the CEO to identify Tribunal Members who may be appropriate to deal with the dispute.

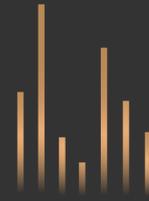
The CEO will take into account the kind of dispute resolution service (arbitration or ADR) that is being sought, and the subject matter of the dispute (i.e. anti-doping, selection, disciplinary). Additional information provided by the parties will include:

- the nature of the dispute (including complexity and sensitivity)
- the main issues in dispute, and whether these can be distilled
- whether facts on certain uncontroversial matters can be agreed before the hearing
- the number and identity of any witnesses, or experts who may need to give evidence
- other evidence that parties may wish to produce
- the approximate date for the hearing, case appraisal, mediation or conciliation
- potential number of Members to be appointed
- anticipated costs and apportionment

Member selection principles

There are key principles regarding the allocation of members to a dispute that the CEO will apply against the information gathered about the dispute in the preliminary conference. These include:

- Expertise and experience of the panel members matched against the type and nature of the case:



- In relation to *anti-doping disputes*—anti-doping experience is a factor which the CEO must have regard to, and the qualifications and knowledge of the member in sport, medicine or other fields of expertise are factors which may be considered
- In relation to *other (non-anti-doping) sport related disputes*—the experience of the member in the kind of dispute before the NST and the qualifications and knowledge of the member in sport, medicine or other fields of expertise are factors which may be considered
- Effective and efficient management of the matter, including a consideration of the costs and member's location (for hearings conducted in person)

Other considerations are:

- Gender balance of the panel
- Rotational selection of Members to support diversity.

Conflict of Interest and availability check

After applying the general principles, the CEO or an employee in the Tribunal will undertake an initial conflict of interest check of eligible Members based on disclosures made by the Members at the time of appointment.

Members without a conflict may be contacted to check availability, and at that time, the CEO will require Members, if available, to declare any conflicts associated with the specific case – for instance, if the Member personally knows or has a relationship with the parties, representatives, or witnesses.

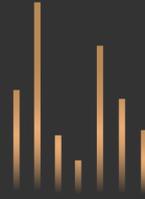
Members with identified conflicts may be removed from consideration, or further information will be provided to the parties during consultation. Members with identified conflicts will not be selected for the panel, unless agreed to by the parties.

Consultation with parties

Parties may be given the opportunity to consult on a shortlist of Members, or on a proposed Member or Members.

Parties will be notified of the Member/s who have been identified as eligible and available, as well as information about their relevant experience and any potential conflicts for consideration.

Parties will be given up to three days to consider the Members identified and provide feedback to the registry of any requests to eliminate any Members.



Appointment of panel

The CEO will appoint the final panel.

Parties will be formally notified of Member appointment.

Parties to the dispute have the right to challenge the appointment of panel members within 7 days of receiving notification of appointment or within a reasonable time in other circumstances, on the basis of actual or apprehended bias.

Expedited matters

If parties want the resolution of their dispute to be expedited they must agree to the CEO appointing panel member/s without consulting the parties and parties must agree to shortening the Member appointment process.