



27 March 2020

Dear Colleague

Recognising the National Sports Tribunal as a Hearing Body under your Sport's Anti-Doping Policy

I am writing to you about recognising the National Sports Tribunal (NST) as a hearing body under your sport's anti-doping policy.

The NST is a new legal body established by the *National Sports Tribunal Act 2019* that will hear and resolve sports-related disputes in Australia. It will provide national sporting organisations (and other sporting bodies), athletes and athlete support personnel with:

- a cost-effective, efficient, and independent forum for resolving sports-related disputes
- consistent, transparent and accountable services, and
- a range of dispute resolution processes: arbitration, mediation, conciliation or case appraisal.

The NST has two first instance divisions – the Anti-Doping Division and the General Division (for non anti-doping matters), both of which will conduct arbitrations. Less formal dispute resolution services (mediation, conciliation and case appraisal) will also be offered in the General Division. An Appeals Division will hear appeals from decisions made by the Anti-Doping Division and the General Division, as well as from a first instance decision made by an in-house sport tribunal.

An athlete or support person bound by your anti-doping policy may apply to the Anti-Doping Division of the NST for arbitration of an anti-doping dispute if:

- (i) your anti-doping policy recognises the dispute to be heard in the Anti-Doping Division of the NST; or
- (ii) the athlete or support person, the sporting body and the ASADA CEO agree in writing to refer the dispute to the NST.

The NST commenced operation on 19 March 2020; more information about the NST can be found at www.nationalsportstribunal.gov.au

Article 8.4.1 of your anti-doping policy establishes the hearing body for anti-doping matters as CAS or a hearing body recognised or approved in writing by ASADA on a case by case basis.

This letter is my written recognition of the NST as a hearing body for the purposes of Article 8.4.1 of your anti-doping policy. As part of our next update of anti-doping policies, we will issue amended Articles that name the NST as a hearing body.

In the meantime, the NST has developed a template agreement that parties to an anti-doping dispute will need to sign, to demonstrate that they have agreed to refer their particular dispute to the NST. The template agreement, which will shortly be available on the NST's website, will need to be signed by the athlete or support person against whom an anti-doping rule violation is asserted, a representative of your sport, and by me.

Article 8.4.1 of your policy also prescribes that any appeal from a first instance decision will be heard by CAS. This position is reflected under Article 13 of your policy which deals with Appeals.

Even though CAS is the appeal body prescribed under your policy, if the athlete or support person, your sport and the ASADA CEO all agree, any appeal from a first instance decision in the NST may be heard by the NST.

I do recommend to both you and your athletes and support persons that you choose the NST as the Tribunal to hear any anti-doping matters. The NST charges no fees for anti-doping matters, and will be an efficient, effective, transparent, independent and specialist tribunal for such cases.

Please don't hesitate to contact ASADA on 02 6222 4200 or engagement@asada.gov.au if you have any questions in relation to your anti-doping policy or the NST directly on 02 6289 3877 or enquiries@nationalsporttribunal.gov.au

Regards

A handwritten signature in black ink, appearing to be 'D Sharpe', with a stylized flourish at the end.

David Sharpe APM OAM
Chief Executive Officer