



TERMS OF REFERENCE

NST LEGAL ASSISTANCE PANEL

Purpose

The NST Legal Assistance Panel (NSTLAP) has been established consistent with the obligation of the NST CEO under section 52(2)(e) of the National Sports Tribunal Act 2019 to establish and manage ‘a panel of legal practitioners who are willing to provide free legal assistance to the parties or participants in relation to a dispute before the Tribunal’.

The NSTLAP is available to parties with a matter currently before, or with a clear intention to bring a matter before the NST. Details of practitioners appointed to the NSTLAP will be provided to a party on request. It will then be the responsibility of the party to contact their preferred practitioner and negotiate the arrangement.

Practitioners on the NSTLAP must consider all requests to provide free (or substantially discounted) advice, but reserve the right to refuse where it would not be reasonably practicable.

Roles and Responsibilities

Legal practitioners who have applied to be listed on the NSTLAP and are appointed by the NST CEO agree to:

- Consider all requests for legal assistance from parties who have made an application, or are intending to apply, to have their dispute resolved by the NST (where possible), and agree to provide such assistance for free or at a substantially discounted rate where reasonably practicable;
- Consider particularly favourably requests made by parties who have been granted a waiver of application fees and/or service charges fees by the NST on the basis of financial hardship;
- Maintain a legal practicing certificate, and notify the NST immediately should a practicing certificate lapse or be withdrawn;
- Engage with parties and the NST Registry in a respectful manner, and abide by the procedures and expectations of the NST dispute resolution process

Assistance may include summary advice and/or representation in relation to athlete eligibility, selection, disciplinary, anti-doping, and other sport related matters accepted as valid by the NST.

Criteria for appointment to the NSTLAP

- Holds an unrestricted legal practicing certificate in Australia, and is of good standing;
- Experience or interest in sport law in Australia;
- Experience in providing advice or representation in comparable arbitration, mediation, or conciliation processes



- Willingness to provide legal assistance in matters appearing before the NST
- While NSTLAP practitioners are not required to make any fixed time commitment beyond making reasonable efforts to be available to offer advice and assistance when asked to do so, the NST will record instances where a party otherwise assessed as suffering financial hardship for the purposes of granting a waiver of fees and charges is refused a request for legal assistance.

Arrangement – Practitioner and the Party

The arrangement for provision of legal assistance is entirely negotiated and managed by the Practitioner and the Party.

Whilst we hold the NSTLAP list and may put individuals in touch with relevant practitioners if requested, the NST takes no responsibility for any advice given or arrangement made between an individual and NSTLAP practitioner.

If parties feel they have witnessed inappropriate activity or misconduct from a practitioner they can report this to the NST, where it will be handled by the relevant aspects of the complaints handling process.

Membership

Practitioners will gain membership to the NSTLAP following an open expression of interest process. There will be an initial recruitment process, but applications may be provided to the NST Registry at any time.

Membership of the NSTLAP will be reviewed annually to ensure it is delivering a valuable service to those who need assistance. The NST Registry will engage with parties who have received the NSTLAP list, seeking their feedback on interactions with practitioners and overall experience.

The NST Registry maintains the right to remove practitioners from the NSTLAP for reasons relating to qualifications, behaviour, availability to provide services, or other issues relating to the appropriateness of their position on the NSTLAP.