



**Australian
Taekwondo**

National Policy

Appeals

Sports Taekwondo Australia Ltd

T/A Australian Taekwondo Ltd

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Appeals Policy

1. INTRODUCTION

1.1 Background

- (a) From the date of approval of this Policy by the Board, except for:
 - (i) AT's Anti-Doping Policy adopted in accordance with ASADA's requirements; or
 - (ii) any term of any AT Policy required by the AOC in respect of an Olympic competition which requires appeals to an external body nominated by the AOC or to the Court of Arbitration for Sport,

all policies previously enacted by AT concerning appeals or appeal tribunals shall come to an end and have no further effect.
- (b) This Policy is made and implemented as an AT Policy under Clause 20 of the Constitution.
- (c) This Policy:
 - (i) is subject to the Constitution;
 - (ii) is consistent with the Constitution;
 - (iii) when in force, is binding on all Members and has the same effect as a provision in the Constitution;
 - (iv) applies equally to both and Poomsae Taekwondo;
 - (v) applies equally to able bodied and para Appellants;
 - (vi) applies equally to male and female Appellants; and
 - (vii) shall be read in conjunction with the relevant AT Policy under which the Decision that is subject of an Appeal was made.
- (d) Words and phrases in the Constitution have the same meaning in this Policy and this Policy is to be read in conjunction with (and subject to) the Constitution.
- (e) The interpretation of this Policy is solely the province of the Appeals Tribunal but this Policy may only be amended by the Board.
- (f) Save for the anti-doping appeals provisions in AT's Anti-Doping Policy, and any term of any AT Policy required by the AOC in respect of an Olympic competition in which appeals to an external body nominated by the AOC or to the Court of Arbitration for Sport are provided for, this Policy is the only applicable AT appeals procedure for appealing from Decisions.
- (g) Members agree that they will not commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of this Policy, or any decision made under this Policy, before any court of law or other dispute resolution body.

1.2 Objectives

The objective of this Policy is to enable Appeals from Decisions covered by this Policy to be dealt with fairly, expeditiously and affordably within AT, without recourse to external legal procedures.

1.3 Definitions

In this Policy, the following terms have the corresponding meaning:

Ad Hoc Appeals Tribunal Member means a person appointed by the President who is not an Appeals Tribunal Member to sit on an Appeals Tribunal in accordance with Clause 5.4.

ADP means the AT anti-doping policy as amended from time to time.

AOC means the Australian Olympic Committee.

Appeal means an appeal lodged under Clause 4 of this Policy.

Appeals Tribunal or **Tribunal** means an AT appeals tribunal formed under Clause 5.2 to hear a valid Appeal in accordance with this Policy.

Appeals Tribunal Member means an individual person sitting on an Appeals Tribunal.

Appellant means the person appealing a Decision in accordance with this Policy.

AT means TKD Sports Taekwondo Australia Limited trading as Australian Taekwondo (ABN 69 167 216 033).

AT Policy means any policy of AT made and implemented under the Constitution.

Board means the board of AT as elected and/or appointed from time to time under the Constitution.

Business Day means a day that is not a Saturday, Sunday or public holiday in Canberra, Australia.

CEO means the person employed as chief executive officer of AT from time to time.

CEO's Representative means a person appointed by the CEO from time to time who will conduct the secretarial and administrative work necessary under this Policy, which could be the CEO, for any particular Appeals Tribunal.

Chair means the chair of a particular Tribunal, and shall be the following person in order of precedence:

- (a) the President; or
- (b) if the President is unavailable or unable to act, the other Legal Practitioner who is a Standing Appeals Tribunal Member; or
- (c) if the other Legal Practitioner who is a Standing Appeals Tribunal Member is unavailable or unable to act, an Ad Hoc Appeals Tribunal Member who is a Legal Practitioner and is appointed by the President; or
- (d) failing all of the above, any Ad Hoc Appeals Tribunal Member appointed by the President.

Constitution means the AT constitution as amended from time to time.

Decision means a decision made by AT or an authorised representative or group of authorised representatives of AT that meets all of the following criteria:

- (a) the decision was made under an AT Policy; and
- (b) the Appellant was a party to the decision; and
- (c) the AT Policy under which the decision was made grants a right of appeal for that type decision to the Appeals Tribunal,

but specifically excludes:

- (d) Excluded Decisions;
- (e) decisions made under the ADP; and
- (f) an appeal from a decision of the Appeals Tribunal in response to an Olympic Selection Decision, which is exclusively governed by the AOC and the Court of Arbitration for Sport.

Elite Athlete means a person who is at least Kukkiwon first Dan (or Kukkiwon first Poom in the case of an athlete under 15) who has competed, or is seeking to be selected to compete, as part of an Australian team authorised by the Board, in Kyorugi or Poomsae Taekwondo at an international competition and shall include para elite athletes.

Excluded Decision means a Decision that is expressly excluded from an AT right of appeal under the relevant AT Policy.

Extenuating Circumstances mean:

- (a) injury or illness;
- (b) travel delays;
- (c) bereavement or disability arising from death or serious illness of an immediate family member, which exclusively means a spouse, de facto partner, child, parent, grandparent, grandchild or sibling; or
- (d) any other factors considered by the CEO to constitute extenuating circumstances.

Grounds of Appeal mean the grounds under which an Appeal may be validly lodged under this Policy as set out in Clause 3.

Kyorugi means sparring Taekwondo.

Legal Practitioner means a person:

- (a) holding a current practising certificate as a lawyer in any Australian jurisdiction; or
- (b) who (save and except for the legal practitioners in the initial Standing Appeals Tribunal set out in the Schedule to this Policy) has, within a period of three

years prior to the date of commencement of an Appeals Tribunal, held a practising certificate as a lawyer , in Australia.

Olympic Selection Decision means the nomination of an athlete by AT to the AOC for the purposes of that athlete representing AT and Australia at an Olympic Games, or any other games nominated by the AOC.

Policy means this appeals policy as amended from time to time.

Poomsae means Taekwondo patterns.

President means the president of the Standing Appeals Tribunal as appointed under Clause 2.3 from time to time.

Selection Decision means a Decision made under a Selection Policy, but excludes an Olympic Selection Decision only to the extent this Policy is inconsistent with the requirements of the AOC 'Olympic Team Selection By-Law'.

Selection Policy means an AT Policy that sets out the process for selecting Taekwondo athletes, coaches or team officials to any AT team that is sanctioned or authorised by AT.

Sports Administrator means a person who currently, or within the previous five years, is or has been employed in the field of sports administration.

Standing Appeals Tribunal means collectively the group of individuals appointed under Clause 2 from whom the Appeals Tribunal Members for each Appeals Tribunal will be selected, subject to Clause 5.4.

Standing Appeals Tribunal Member means a person currently appointed to the Standing Appeals Tribunal under Clauses 2.1 or 2.2.

Taekwondo means the sport of taekwondo as recognised by World Taekwondo (**WT**).

2. STANDING APPEALS TRIBUNAL

- 2.1 At the commencement of this Policy the initial Standing Appeals Tribunal Members shall be those individuals set out in Schedule 1 of this Policy.
- 2.2 The Board will appoint the following individuals to the Standing Appeals Tribunal at or near the end of the terms of appointment of the initial Standing Appeals Tribunal Members, such appointments coming into effect on the day after the relevant Standing Appeals Tribunal Member's term expires:
- (a) two Legal Practitioners, one of whom will be appointed by the Board as President under Clause 2.3;
 - (b) two Sports Administrators; and
 - (c) two retired Elite Athletes, one from each of Kyorugi and Poomsae Taekwondo.
- 2.3 The person appointed as President must:
- (a) be a practising barrister holding a current practising certificate; and
 - (b) in the opinion of the Board, be reasonably capable of administering this Policy and meeting the obligations of President as set out in this Policy.

- 2.4 Subject to Clause 2.5, each Standing Appeals Tribunal Member appointed under Clauses 2.1 and 2.2 will be appointed for a term of between two and six years, at the discretion of the Board, commencing on their date of appointment.
- 2.5 Notwithstanding Clause 2.4:
- (a) the President will be appointed for a term of six years;
 - (b) the other legal practitioner shall be appointed for a term of two years; and
 - (c) on the date two years after the commencement of this Policy, and the date every two years thereafter, at least one Standing Appeals Tribunal Member from each of the 'retired Elite Athlete' and 'Sports Administrator' categories outlined in Schedule 1 and Clauses 2.2(b) and 2.2(c) must retire. If the Standing Appeals Tribunal Members cannot agree, the Standing Appeals Tribunal Member from each applicable category to retire will be determined by lot.
- 2.6 A Standing Appeals Tribunal Member may resign by giving notice in writing to the CEO.
- 2.7 The Board may fill any vacancy in the Standing Appeals Tribunal by appointing a person meeting the criteria of the relevant category for a term as a Standing Appeals Tribunal Member as determined by the Board.

3. GROUND OF APPEAL

A Decision may only be appealed on the following grounds of appeal:

- (a) that the applicable AT Policy has not been properly followed and/or implemented in the making of the Decision;
 - (b) in the case of a Selection Decision, the Appellant was not afforded a reasonable opportunity by AT to satisfy the applicable selection criteria under the Selection Policy;
 - (c) that the Decision was affected by actual bias; or
 - (d) that there was no material on which the Decision could reasonably be based,
- (together, the **Grounds of Appeal**).

4. NOTICE OF APPEAL AND PROCESS

- 4.1 To lodge an Appeal of a Decision, an Appellant must:
- (a) if the Decision is a Selection Decision, have first discussed the reason(s) for his/her non-selection with a representative authorised to do so by the selection panel under the Selection Policy, as soon as practicable after the Selection Decision is announced; and
 - (b) serve the CEO's Representative with notice in writing that they intend to appeal the Decision (**Notice of Appeal**); and
 - (c) pay to AT a deposit of:

- (i) \$100 (or as amended by the AOC from time to time) in relation to an Olympic Selection Decision;
- (ii) \$200 (or as amended by AT from time to time) in relation to a Selection Decision that:
 - (A) relates to the selection of an Elite Athlete; and
 - (B) is for a grand prix or world championship event, or any qualifying event for same, or any event that is taken into account under the Selection Policy when making the Selection Decision for that grand prix or world championship event; or
- (iii) \$1,000 for all other Decisions, including Selection Decisions not covered by (ii) above,

at the time of lodging the Notice of Appeal,

within 48 hours of the time the Appellant receives notification from AT, whether in writing or orally, of the Decision against which the Appeal is made.

- 4.2 For the avoidance of doubt, the Notice of Appeal is not required to specify the one or more Grounds of Appeal on which the Appellant will rely and may be served by way of email to the CEO's Representative (see Clause 4.3).
- 4.3 The Appellant must then, within five Business Days after lodging the Notice of Appeal (excluding the day the Notice of Appeal is lodged), serve the CEO's Representative in writing with a document setting out the Grounds of Appeal on which the Appellant will rely (**Appellant's Grounds**).
- 4.4 AT must then, within five Business Days after receiving the Appellant's Grounds (excluding the day the Appellant's Grounds are received) serve the Appellant with a response to the Appellant's Grounds in writing (**AT Response**). For an Appeal of a Selection Decision, the AT Response must include reasons for the Decision by the selection panel under the Selection Policy.
- 4.5 The Appellant must lodge submissions with the Appeals Tribunal (**Appellant's Submissions**), including:
 - (a) full details of the basis of the Appeal;
 - (b) reference to, and copies of, appropriate supporting materials; and
 - (c) the page numbers and paragraph numbers within any materials relied upon,in accordance with the timetable set down by the Chair under Clause 6.2.
- 4.6 A party may apply to the CEO in writing seeking an extension to any particular deadline set out in this Clause 4. The CEO must, on receipt of such an application, respond to all parties within a reasonable time, having regard to all the circumstances, in writing and:
 - (a) subject to (b), may extend any single deadline by up to one additional Business Day in Extenuating Circumstances; but

- (b) must not extend any deadline in relation to the Appeal of a Selection Decision where the applicable Selection Policy prescribes time limits with respect to selection and/or announcement of the particular team.

4.7 The applicable deposit (see Clause 4.1(c)) shall be returned to the Appellant only in circumstances where the Appeal is ultimately successful (in whole or in part). Costs incurred by an Appellant or any other party in relation to the Appeal are to be met solely by the Appellant or the other party in all cases.

4.8 If the:

- (a) Notice of Appeal is not served within the time period set out in Clause 4.1, or as extended by the CEO under Clause 4.6; or
- (b) required deposit is not paid at the time of the Notice of Appeal; or
- (c) Appellant's Grounds are not served within the time period set out in Clause 4.3, or as extended by the CEO under Clause 4.6; or
- (d) Appellant's Submissions and copies of the supporting documents are not served in accordance with the timetable set by the Chair; or
- (e) Appellant, or a legal representative of the Appellant permitted to attend the hearing under this Policy, do not appear in person or by telecommunications means where permitted to do so by the Chair, at the hearing of the Appeal under Clause 6.3,

the Appeal shall be deemed to have been abandoned and will automatically lapse.

4.9 Should a party deemed to be an affected person by the CEO's Representative or by the Chair of an Appeals Tribunal, who receives notification, elect not to participate in the Appeals Tribunal hearing as an affected party then, unless that person has already appealed against the Decision, the person will forfeit his or her right of appeal against consequent Decisions.

4.10 If the Appellant meets the criteria in this Clause 4, AT will enliven the Appeals Tribunal procedure in accordance with Clauses 5 and 6.

4.11 For the avoidance of doubt, all correspondence sent by the Appellant or any other party under this Clause 4 must:

- (a) only be sent to the CEO's Representative; and
- (b) not be sent to any of the Appeals Tribunal Members.

5. TAEKWONDO APPEALS TRIBUNAL

5.1 Upon receipt by the CEO's Representative of:

- (a) a Notice of Appeal, the CEO's Representative will notify the Standing Appeals Tribunal of the possibility of an Appeal; and
- (b) the Appellant's Grounds, the CEO's Representative will notify the President of the need to convene an Appeals Tribunal.

- 5.2 Upon the CEO's Representative sending the Appellant's Grounds to the President:
- (a) the President will convene an Appeals Tribunal comprised of the appropriate Appeals Tribunal Members set out in Clause 5.3; and
 - (b) the CEO's Representative will provide all relevant documents to:
 - (i) the Appeals Tribunal Members;
 - (ii) the Appellant or his or her legal representative (or other representative in the case of an Appellant under the age of 18 years) ; and
 - (iii) any other parties whom the CEO's Representative believes may be directly and potentially adversely affected by the outcome of the determination of the Appeals Tribunal, as the case may be.
- 5.3 Each Appeals Tribunal shall:
- (a) subject to Clause 5.4, comprise three Appeals Tribunal Members selected by the President from the Standing Appeals Tribunal; and
 - (b) comprise one Legal Practitioner, one Sports Administrator and one retired Elite Athlete, who must have competed in the particular discipline of Kyorugi or Poomsae that is relevant to the Appeal; and
 - (c) be chaired by the Chair; and
 - (d) not comprise any Appeals Tribunal Member who is an employee or office bearer of AT or who has an actual conflict of interest in relation to the Appeal.
- 5.4 If the availability, or ability to act, of the Standing Appeals Tribunal is such that the Appeals Tribunal will not comply with Clause 5.3(b), the President may, in his/her absolute discretion, appoint such number of Ad Hoc Appeals Tribunal Members necessary to ensure compliance with Clause 5.3(b). If the President using reasonable endeavours is unable to constitute an Appeals Tribunal with Ad Hoc Appeals Tribunal Members in accordance with Clause 5.3(b), the Appeals Tribunal may comprise such individuals as determined by the President in his/her reasonable discretion.
- 5.5 Should an Appeals Tribunal Member become unable to hear an Appeal following the convening of the Appeals Tribunal for whatever reason, the President shall appoint a replacement Appeals Tribunal Member having regard to Clauses 5.3(b) and 5.4.
- 5.6 Should an Appellant or other party to an Appeal challenge the impartiality of any one or more Appeals Tribunal Member, the challenge will be determined by the Chair sitting alone, unless that challenge relates to the Chair in which case will be determined by:
- (a) the President; or
 - (b) if the President is unavailable, unable to act or the Chair of the Appeals Tribunal in that instance, the other members of the Appeals Tribunal.
- 5.7 For the avoidance of doubt, the CEO's Representative will undertake a secretarial role for the Appeals Tribunal and:
- (a) all correspondence by each party to the Appeal must be sent directly to the CEO's Representative and not to the Appeals Tribunal Members; and

- (b) will be an impartial manager of the process.
- 5.8 No party to the Appeal, or witness called to give evidence to the Appeal, may communicate with the Appeals Tribunal Members except at any hearing concerning the Appeal. Any and all correspondence sent by a party must be sent solely to the CEO's Representative, as notified to the parties.

6. APPEAL PROCEDURE

- 6.1 Upon an Appellant complying with Clause 4 and the appointment of an Appeals Tribunal in accordance with Clause 5, an Appeal shall proceed in accordance with the process provided in this Clause 6.
- 6.2 The Chair will make and issue any necessary pre-hearing directions, at the discretion of the Chair, which may include but are not limited to:
- (a) setting the time, date and place for the hearing;
 - (b) where necessary, setting an adjourned time, date or place of the hearing;
 - (c) the joinder of any person who may be adversely affected by the determination of the Appeals Tribunal;
 - (d) the delivery of the Appellant's Submissions and supporting materials;
 - (e) the delivery of any other affected party's submissions and supporting materials;
 - (f) the provision of any additional factual or legal materials by one or more parties;
 - (g) the mechanism for keeping any confidential or sensitive and private information confidential, for example but not limited to by way of containing such information in confidential exhibits or attachments and the provision of such material to the Tribunal, CEO, CEO's Representative and professional advisors only, and
 - (h) the manner of taking evidence and the making of submissions.
- 6.3 The Appeals Tribunal will proceed by way of a hearing at which the Appellant, any affected party and AT may present written and oral evidence and may make oral submissions in addition to the written Submissions previously delivered or sent in accordance with the timetable set out by the Chair.
- 6.4 Subject to Clause 6.6, the Appeals Tribunal shall conduct the hearing in such manner as it sees fit and may in its absolute discretion:
- (a) consider any evidence, and in any form that it deems relevant;
 - (b) question any person giving evidence;
 - (c) limit the number of witnesses presented to those who provide any new evidence; and
 - (d) act in an inquisitorial manner in order to establish the truth of the issue/case before it.
- 6.5 Subject to Clause 6.6, the Appeals Tribunal:
- (a) must observe the principles of natural justice;

- (b) is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;
 - (c) will conduct its hearing with as little formality and technicality and with as much expedition as the proper consideration of the matter permits; and
 - (d) may grant an adjournment if a question of law arises during the course of a hearing and the parties apply to obtain legal advice.
- 6.6 The Appeal and Appeals Tribunal convened for an Olympic Selection Decision must comply with the requirements of the AOC 'Olympic Team Selection By-Law' (**AOC By-Law**), as set out in Schedule 2 (or as amended by the AOC from time to time), and this Policy. The AOC By-Law applies to the extent of any inconsistency with this Policy.
- 6.7 Hearings of the Appeals Tribunal may occur in such manner as the Chair decides, including telephone or video conferencing. Ordinarily however, the Appeal will be heard in person and in one place as directed by the Chair as the case may be.
- 6.8 The Appeals Tribunal may of its own motion or upon the application of any party to the Appeal adjourn the hearing of an Appeal, provided that in the case of an Appeal from a Selection Decision, the Appeal must be concluded before the date and time which may be imposed by the Board for the final selection of team members, coaches or officials.
- 6.9 The Appellant or other affected party is to attend the hearing physically or, if given leave to do so by the Chair, may attend by telecommunications means, and present his/her case.
- 6.10 Should an Appellant or other affected party be under the age of 18 years at the date of the Appeals Tribunal hearing, he or she will have an automatic right to legal representation at the hearing.
- 6.11 The parties to an Appeal will not be entitled to be represented by a barrister or solicitor, save with leave of the Appeals Tribunal, which leave will only be given in exceptional circumstances and, if given, may be given unconditionally or on such conditions as the Appeals Tribunal thinks fit.
- 6.12 For the avoidance of doubt, a party is entitled to lodge written materials with the Appeals Tribunal (including but not limited to all those required to be lodged under Clauses 4 and 6) prepared on behalf of that party by a legal representative.
- 6.13 An application may be made at the time an Appellant lodges submissions under Clause 4.5 that the Appellant or affected party have the services of an interpreter at the hearing and the Appeals Tribunal Members shall allow such an application at their discretion in appropriate circumstances.
- 6.14 If there is more than one Appeal to the Appeals Tribunal that impacts a particular Decision, such Appeals must so far as is practicable be consolidated and heard together, at the absolute discretion of the Appeals Tribunal.
- 6.15 If, in addition to the joinder decisions made by the Chair concerning pre-hearing directions, it becomes apparent and the Appeals Tribunal is of the view that the outcome of an Appeal against a Decision may affect the interests of any additional affected person, it must, so far as is practicable, require that notice be given to such other person(s) and will permit that person(s) to participate in the hearing of the Appeal as an affected party, to make submissions, appear at the hearing and to be bound by the decision of the Appeals Tribunal.

- 6.16 Should a person who receives notification under Clause 6.15 elect not to participate in the hearing as an affected party, that person's participation in the Appeal will be forfeited and automatically lapse.
- 6.17 In any matter before the Appeals Tribunal the Appellant bears the onus of showing that his or her Appeal should be decided in his or her favour. The standard of proof in all Appeals heard by the Appeals Tribunal is the balance of probabilities.
- 6.18 The Tribunal shall meet on the date notified to the Appellant, any affected party joined as a party to the appeal and AT or, where this becomes impracticable, such other date as the Tribunal may notify to the Appellant, any affected party joined as a party to the appeal and AT) and shall, within a reasonable time after hearing the Appeal and subject to the circumstances, inform the Appellant, any affected party joined as a party to the Appeal and AT of its decision whether to uphold or dismiss the Appeal.
- 6.19 The Appeals Tribunal will give its decision, and may give an oral decision, on any Appeal as soon as practicable at the conclusion of or after the hearing, and will provide the CEO, the Appellant and other parties to the Appeal with written reasons for its decision as soon as practicable after the hearing.
- 6.20 At the discretion of the Appeals Tribunal, either:
- (a) the written reasons of a decision of the Tribunal; or
 - (b) a summary of the particular decision,
- will be available to AT members on the AT website for guidance purposes, except that the Tribunal may, in its discretion:
- (c) remove the names of some or all parties or witnesses before publication; or
 - (d) determine against publishing the written reasons, or a summary, due to confidentiality or legal reasons.

7. POWERS OF THE TRIBUNAL

- 7.1 In making its decision as to the outcome of an Appeal under Clause 6, the Appeals Tribunal may decide either:
- (a) to uphold the Appeal as the Appellant has successfully made out one or more of the Grounds of Appeal, in which case:
 - (i) for an Appeal of a Selection Decision, the matter of the Appellant's position in the relevant team will be considered in accordance with Clause 7.3; or
 - (ii) for an Appeal other than for a Selection Decision, the Appeals Tribunal will substitute the original Decision with a decision of its own making; or
 - (b) that the Decision be upheld and the Appeal dismissed.
- 7.2 The Appeals Tribunal may also make recommendations for the future revision and/or better execution of the applicable AT Policy, which should be considered by the Board.
- 7.3 Where the Appeals Tribunal upholds an Appeal of a Selection Decision under Clause 7.1(a)(i), it will as a matter of usual practice refer the question of re-selection back to AT for determination in accordance with the applicable Selection Policy. Where it

determines, however, to uphold any Appeal against the non-selection of an Appellant, it may itself conclusively determine the issue of re-selection only where:

- (a) both:
 - (i) it would be impractical to refer the issue of re-selection back to AT given the time available in which entries to the competition must be submitted; and
 - (ii) due to the decision of the Appeals Tribunal (for example on how the Selection Policy is to be interpreted), there is no exercise of discretion involved in the re-selection decision and such decision is based solely on an assessment of objective criteria, or
- (b) it is requested to do so in writing by the Board; or
- (c) there has been such a disregard of the Selection Policy by or on behalf of AT that a reasonable person could reasonably conclude that it is, or would be, unlikely the Selection Policy will be properly followed and/or implemented, and

prior to making the determination in Clause 7.3, the Appeals Tribunal has advised the parties and all persons whose interests may be affected by the outcome of the Appeal of:

- (d) the possibility of it making such a determination; and
- (e) that it may itself conclusively determine the issue of re-selection; and
- (f) the ability of those parties and all such persons to make submissions and give evidence in respect thereof to the Appeals Tribunal.

7.4 In an Appeal of a Selection Decision, where the Tribunal refers the question of re-selection back to a selection panel of AT for determination in accordance with the applicable Selection Policy and the Appeals Tribunal's reasons to uphold the Appeal, AT's determination of re-selection, non-selection or re-nomination after such referral may only be appealed on the following grounds:

- (a) the decision was affected by actual bias; or
- (b) the decision is obviously or self-evidently so unreasonable or perverse that it can be said to be irrational.

7.5 To appeal a decision regarding re-selection, non-selection or re-nomination under Clause 7.4, an Appellant must serve the CEO's Representative with notice in writing that they intend to appeal the Decision within 24 hours of notification of the Appeals Tribunal's decision.

7.6 An appeal under Clause 7.5 will be conducted in accordance with this Policy, with such incidental or necessary amendments as required.

8. NO APPEAL

A decision of the Appeals Tribunal under Clause 6.18 shall be final and binding on all parties involved.

9. GENERAL

- 9.1 AT reserves the right to amend this Policy at any time at its sole discretion.
- 9.2 The parties involved in an Appeal under this Policy are responsible for bearing their own legal and other costs.
- 9.3 If an Appeal is successful, AT will reimburse the deposit to the Appellant.

10. WHO SHOULD KNOW THIS POLICY

- 10.1 All Selection Panels, Coaches and Athletes are responsible for knowing this policy and procedures.
- 10.2 The Board is responsible for the maintenance of this policy.
- 10.3 The Chief Executive Officer is responsible for implementation and ensuring adherence to this policy and supporting procedures.

11. HOW WILL THE EFFECTIVENESS OF THIS POLICY BE MEASURED

- 11.1 All complaints relating to selection decisions are managed within the specified timeframes.
- 11.2 No appeals are made to the Court of Arbitration for Sport.

SCHEDULE 1

Initial Appeals Tribunal Members

The Appeals Tribunal Members at the commencement of this Policy shall be as follows:

Position	Name	Term
President (Legal Practitioner)	Marianne Barker	6 years
Second Legal Practitioner	Marcus Memolo	4 years
Retired Elite Athlete - Kyorugi	Lauren Burns	4 years
Retired Elite Athlete - Poomsae	Adrian Hitch	4 years
Sports Administrator	Andrew Dee	4 years
Second Sports Administrator	Alex Vallentine	4 years

SCHEDULE 2

AOC Olympic Team Selection By-Law

- 13.1 Each NF must establish an Appeals Tribunal that will consist of the following persons appointed by the Board of the NF, with appointments of persons referred to in (1) and (3) from a list co-ordinated by the AOC:
- (a) a barrister or solicitor or other legally qualified person who will act as Chairman;
 - (b) a person with a thorough knowledge of the Sport and who preferably has had recent international competition experience in the Sport; and
 - (c) one other person of experience and skills suitable to the function of the Tribunal and familiar with the Olympic selection process and documentation;
- who will constitute a quorum for the purpose of hearing and determining any appeal pursuant to Clause 12.1(1), provided that with the consent of all parties to an appeal, the Tribunal may be constituted by two members, one of whom must be a barrister or solicitor or other legally qualified person who will act as Chairman.
- 13.2 No person appointed by an NF to its Appeals Tribunal may hear and consider any appeal pursuant to Clause 12.1(1) if he or she is a member of the Board of the NF or its selection panel or if by reason of his or her relationship with:
- (a) the appellant;
 - (b) any member of the Board of the NF;
 - (c) any member of the NF's selection panel; or
 - (d) any persons whose interests may be affected by the outcome of the appeal;
- he or she would be reasonably considered to be other than impartial.
- 13.3 Should an appellant or other party to an appeal challenge the impartiality of any member of the Appeals Tribunal, the challenge will be determined by the Chairman sitting alone.
- 13.4 Each Appeals Tribunal will be bound by the following requirements:
- (a) it must observe the principles of natural justice;
 - (b) it is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;
 - (c) it will conduct its hearings with as little formality and technicality and with as much expedition as the proper consideration of the matter permits;
 - (d) hearings may occur in such manner as the Chairman decides, including telephone or video conferencing;
 - (e) each appellant must establish one or more grounds of appeal to the reasonable satisfaction of the Tribunal with full regard to the importance and gravity of the issue;
-

- (f) the parties to an appeal will not be entitled to be represented by a barrister or solicitor save with the leave of the Appeals Tribunal, which leave will only be given in exceptional circumstances and, if given, may be given unconditionally or on such conditions as the Appeals Tribunal thinks fit;
- (g) if a question of law arises during the course of a hearing, the parties may seek an adjournment in order to obtain legal advice;
- (h) it will give its decision, and may give an oral decision, on any appeal as soon as practicable at the conclusion of or after the hearing, and will provide the chief executive officer of its NF, the appellant and other parties to the appeal with a statement of the reasons for its decision as soon as practicable after the hearing; and
- (i) whilst the Appeals Tribunal will as a matter of usual practice refer the question of re-nomination back to the relevant NF for determination in accordance with the applicable Nomination Criteria, where it determines to uphold any appeal against the non-nomination of an Athlete, then it may itself conclusively determine the issue of re-nomination where:
 - (i) it has determined that:
 - (A) it would be impractical to refer the issue of re-nomination back to the NF in the time available in which entries to the Games must be submitted by the AOC; or
 - (B) there has been such a disregard of the Nomination Criteria by or on behalf of the NF that a reasonable person could reasonably conclude that it is unlikely the Nomination Criteria will be properly followed and/or implemented; and
 - (ii) prior to making the determination in paragraph (a), it has advised the parties and all persons whose interests may be affected by the outcome of the appeal of:
 - (A) the possibility of it making such a determination; and
 - (B) that it may itself conclusively determine the issue of re-nomination; andpermitting the parties and all such persons the opportunity to make submissions and give evidence in respect thereof.

13.5 Where the Appeals Tribunal refers the question of re-nomination back to the relevant NF for determination in accordance with the applicable NF Nomination Criteria and the Appeals Tribunal's reasons to uphold the appeal, the NF determination of re-nomination after such referral will be final and binding on the Athletes, and all other persons whose interests may be affected, subject to any appeal to CAS from that determination as provided in Clause 12.14.

Appeals Policy

Document Management

Version	Date	Change	Authorised
1.0	18Apr15	Original policy passed	Board Email
2.0	13Aug18	<ol style="list-style-type: none">1. Updated to comply with AOC Olympic Selection By-Law.2. Upgraded appeal deposit fee to \$1,000.	CR94
2.1	28Aug18	<ol style="list-style-type: none">1. Added Clauses 4.1 (c) (ii) and (iii)2. Added Clause 6.2 (g)	CR96