Olympic Nomination – First Instance Appeal – NST Workflow

Important components of a Nomination Appeal

Athletes have access to an Olympic Appeals Consultant

All athletes are eligible to consult an AOC appointed independent party to provide pro bono advice about the Appeal process. Refer **clause 9.3** of the <u>AOC Olympic Nomination and Selection By-Law</u> (the By-Law) and Slide 3 of this slide deck for the Olympic Appeal Consultants contact information.

Start at 9.6(a) Alternative Dispute Resolution

Remember to continually refer to and **closely follow the process and timeframes** stipulated at clause **9.6(a)** Alternative Dispute Resolution, of the By-Law. The process requires athletes to submit information to different stakeholders. Stakeholder contact information is provided on Slide 3 of this slide deck. If the dispute cannot be resolved within 3-business days, then the athlete may proceed to a hearing in the General Division of the National Sports Tribunal – refer clause **9.6(c)**.

Understand the Grounds for Appeal

An athlete may bring a Nomination Appeal to the NST **only** on one or more of the grounds stipulated in the By-Law at **clause 9.6(c)(ii)**. Athletes are encouraged to read clause 9.6(c)(ii) prior to commencing the Appeal process.

How much does a Fast Track Nomination Appeal to the NST cost?

As per clause 9.6(c)(iii), there is AUD\$500 application fee required by the NST. Refer to Slide 3 for a link to the NST website which will provide you with further information on the fee and how to apply.

The By-Law refers to Affected parties. Who is an Affected Party?

In a non-Nomination dispute, an additional party may be permitted to participate in a hearing such as an affected athlete (being an athlete who could possibly be displaced from the team if the appeal is successful).



NST First Instance Appeal Workflow

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	9.3 (a) Olympic Appeal Consultant	All non-nominated athletes are eligible independent party to provide pro bone	
Within 48- hours	9.6 (a) (ii) Alternative Dispute Resolution	Within 48-hours of receiving non-nomin must provide written notice to AC (Nomination, including reason	CEO that they dispute their non-
Within 24- hours	9.6 (a) (iii) AC CEO response	Within 24-hours of receiving a notice of dispute, AC's CEO must provide a written statement to the athlete with AC's reasons for non-nomination.	
Within 24- hours	9.6 (a) (iv) non-nominated athlete response to AC CEO	Within 24-hours of receiving AC CEO statement, the non-nominated athlete must provide a written response to the AC CEO if they wish to proceed to a hearing, in accordance with 9.6 (c).	
For the full appeal process, please refer to: <u>AOC Olympic Team Nomination and Selection By-Law</u>		Not proceeding: Process Ends	Proceeding to National Sports Tribunal Hearing: Refer next page



Links and key contacts

Olympic Appeal Consultant	Darren Kane – Advocatus Lawyers <u>darren.kane@advocatus.com.au</u> 0414 600 802
AusCycling CEO	Marne Fechner, Chief Executive Officer ceo@auscycling.org.au
National Sports Tribunal	If proceeding to a NST Tribunal, refer page 23 of the <u>AOC Olympic Team Nomination and Selection By-Law</u> and follow the how to apply steps on the NST website <u>https://www.nationalsportstribunal.gov.au/how-apply</u>