

National Sports Tribunal Advisory Group
Meeting Statement
31 May 2019

The National Sports Tribunal (NST) Advisory Group held its inaugural meeting at Sport Australia's Melbourne office on Friday 31 May 2019. The meeting was chaired by Professor Jack Anderson, Director of Sports Law Studies, University of Melbourne, and Lydia Dowse, Head of Integrity and Risk, Swimming Australia.

The primary focus of this meeting was the legislative/legal framework of the NST, with an emphasis on matters relating to the NST bill(s) ahead of the expected re-introduction of these Bills in the Winter session of Parliament. Other elements of the legal framework discussed include the 'National Sports Tribunal Rules' (subordinate legislation) and the NST CEO's Practice and Procedure Determination (notifiable instrument).

National Sports Tribunal bills

The [National Sports Tribunal Bill 2019](#) and [National Sports Tribunal \(Consequential Amendments and Transitional Provisions\) Bill 2019](#) were introduced to Parliament on 14 February 2019, and lapsed when Parliament was prorogued at the calling of the May 2019 election.

After the bills lapsed, the Sport Integrity Taskforce undertook significant additional consultation with stakeholders, including via a series of seminars held in collaboration with the Australia New Zealand Sports Law Association. The Taskforce collated a list of matters raised throughout this consultation for consideration by the Advisory Group.

Matters relating to the bills that were discussed by the Advisory Group included:

- how to best define the types of bodies/organisations that fall within the jurisdiction of the National Sports Tribunal;
- enabling the National Sports Tribunal to suspend an arbitration in certain circumstances (eg. to enable a matter to be referred to alternative dispute resolution); and
- providing for civil penalties for some offences in addition to the existing criminal offence regime.

National Sports Tribunal Rules

The Advisory Group also discussed some matters relevant to the NST Rules, which deal with certain aspects of the NST framework in more detail (like regulations).

Members primarily discussed the types of non-anti-doping disputes that could be eligible for consideration by the NST. Some matters will be prescribed as being within scope (eg. selection and eligibility disputes), some will be prescribed as out of scope (eg. commercial/employment disputes), and others will be considered on a case by case basis in exceptional circumstances. For these matters, members agreed that the exercise of the CEO's discretion should consider whether internal remedies have been exhausted and whether the dispute is frivolous, vexatious, or petty.

Practice and procedure determination

Members commenced discussions on a range of issues that will be addressed in the National Sports Tribunal (practice and procedure) Determination, including:

- the complexities of balancing confidentiality and transparency;
- conduct of hearings and publications of decisions;
- whether the National Sports Tribunal should determine sanctions;
- conditions under which de novo hearings in the appeals division might take place;
- the default standard of proof where a standard is not specified in a sports' rules; and
- the exercise of coercive powers.

Next Meeting

The next meeting of the Group will be scheduled for late August 2019.

For further information, please contact the Sports Integrity Taskforce:

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