

The logo for the Sports Tribunal of New Zealand. It features the words "SPORTS TRIBUNAL" in a large, bold, white sans-serif font. Below this, the words "of New Zealand" are written in a smaller, white sans-serif font. The text is centered and set against a dark blue background with a light blue curved swoosh above and below it.

SPORTS TRIBUNAL
of New Zealand

The title of the document, "RULES OF THE SPORTS TRIBUNAL OF NEW ZEALAND". The words "RULES OF THE SPORTS TRIBUNAL" are in a large, white, sans-serif font. Below this, the words "OF NEW ZEALAND" are in a smaller, yellow-green, sans-serif font. The text is centered and set against a dark blue background with a light blue curved swoosh above and below it.

RULES OF THE SPORTS TRIBUNAL
OF NEW ZEALAND

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Rules of the Sports Tribunal of New Zealand

Introduction

1. The Sports Tribunal of New Zealand was established in 2003 by the Board of Sport and Recreation New Zealand under section 8(i) of the Sport and Recreation New Zealand Act 2002 under the name of the Sports Disputes Tribunal of New Zealand. It has been continued under its present name by section 29 of the Sports Anti-Doping Act 2006.

Jurisdiction of Tribunal

2. The Tribunal's functions are described in section 38 of the Act. Section 39 of the Act provides that:
 - (a) "Except as provided in the Act, the Tribunal may determine its own practices and procedures for performing the Tribunal's functions under section 38(a) to (f).
 - (b) However, in determining its own practices and procedures, the Tribunal must ensure that it complies with and implements the rules, to the extent that they are applicable."

The rules referred to in section 39 are the rules made by the Board of Drug Free Sport New Zealand under the Act in accordance with Subpart 3 of the Act. As at 31 August 2009, the relevant rules are the Sports Anti-Doping Rules (2009) (the Doping Rules).

3. These Rules were adopted by a unanimous resolution of the members of the Tribunal dated 2 July 2007 and were amended by a unanimous resolution dated 17 April 2009 and have been further amended by a unanimous resolution dated 31 August 2009. Subject to the transitional provisions referred to in Rule 5 below, the amended Rules came into force on 31 August 2009. The Rules apply to all proceedings, appeals or matters over which the Tribunal has jurisdiction either under the provisions of section 38 of the Act or otherwise.

Structure of these Rules

4. These Rules are divided into four parts, all of which provide for the following types of "Proceeding" before the Tribunal:
 - (a) **Part A** contains the general procedural provisions which apply to all matters brought before the Tribunal in accordance with Parts B, C and D.
 - (b) **Part B** applies to anti-doping violation matters and matters brought before the Tribunal in accordance with section 38(a) of the Act and the Doping Rules, and any replacement, additional or supplementary rules made in accordance with the provisions of section 16 of the Act or any statutory amendment to that section.
 - (c) **Part C** applies to appeals brought in accordance with the provisions of section 38(c) of the Act.
 - (d) **Part D** applies to sports-related disputes over which the Tribunal has jurisdiction either under the provisions of section 38(b) of the Act or otherwise.
5. Any Proceeding commenced before the Tribunal before 31 August 2009 will be dealt with under the previous rules of the Tribunal as amended at 17 April 2009, unless all the parties to the Proceeding agree that these Rules shall apply. However, this shall not apply to a Proceeding commenced before the Tribunal before 17 April 2009. If the proceeding was commenced before 17 April 2009, then it will be dealt with under the Rules of the Tribunal dated 2 July 2007, unless all the parties to the proceeding agree that these Rules shall apply. A Proceeding will be "commenced" when documents prescribed by the Rules are lodged with the Registrar of the Tribunal.
6. These Rules may be amended from time to time by a unanimous resolution of the members of the Tribunal.

Part A – General Provisions

Interpretation

7. The provisions of Part A apply to all Proceedings, instituted before the Tribunal, unless these Rules otherwise provide.

8. In these Rules, the words and phrases used shall have the following meanings:

“*The Act*” means the Sports Anti-Doping Act 2006.

“*The Code*” means the World Anti-Doping Code first adopted by WADA on 5 March 2003, and any subsequent amendments or replacements. As at 31 August 2009, the Code in force was the Code adopted by the WADA Agency Foundation Board on 17 November 2007 which came into force on 1 January 2009.

“*Court of Arbitration for Sport*” means the court established by the International Olympic Committee to resolve sports related disputes which operates under the Code of Sports Related Arbitration.

“*The Doping Rules*” means rules for the time being in force made by Drug Free Sport under section 16 of the Act. At 31 August 2009, they are the Sports Anti-Doping Rules 2009.

“*Drug Free Sport*” means Drug Free Sport New Zealand, a Crown entity continued by section 6 of the Act.

“*International Federation*” means the governing body which represents a sport internationally.

“*Interested Party*” means a person added to a Proceeding under Rule 13.

“*NSO*” means a National Sports Organisation which is a body that represents members involved in a particular type of sporting event or activity in New Zealand and, if a national organisation does not exist for a sport, includes a local, regional, or other sporting organisation.

“*NZOC*” means the New Zealand Olympic Committee Incorporated.

“*Person*” means an individual or organisation.

“*Proceeding*” means any proceeding, whether an anti-doping violation application, an appeal, or a sports-related dispute brought under Parts B, C or D of the Rules.

“*Rules*” means these rules and “*Rule*” means one of the rules contained herein.

“*Selection*” includes the nomination and/or selection of a person to a team or squad and “*Non-Selection*” includes the failure to so nominate and/or select such person.

“*Selection Criteria*” means the criteria upon which persons are nominated and/or selected to teams or squads.

“*Sport and Recreation New Zealand*” means the crown entity established under the Sport and Recreation New Zealand Act 2002.

“*Squad*” means a group of athletes who have been identified for consideration for selection to a New Zealand representative sports team including reserves and others associated with a squad such as those athletes having accredited status for the purposes of entry to a sporting competition.

“*Tribunal*” means the Sports Tribunal of New Zealand continued under the Act and where appropriate will mean the panel appointed under Rule 10.

“*Working day*” means any day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday and Waitangi Day; and
- (b) a day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

“World Anti-Doping Agency” or “WADA” means the body founded by the International Olympic Committee and constituted as a foundation in Lausanne by an instrument of foundation signed on 10 November 1999, and named in that instrument as the Agence Mondiale Antidopage, World Anti-Doping Agency.

Disputes as to Jurisdiction

9. If there is a dispute between the parties as to whether the Tribunal has jurisdiction to hear and determine a matter, the Tribunal shall determine such dispute in such manner as it thinks fit. The panel determining a jurisdictional challenge may not necessarily be the panel which determines the substantive matter.

Panels

10. The Chairperson or in his/her absence, a Deputy Chairperson, shall appoint a panel of Tribunal members to hear and determine all matters brought before the Tribunal. A panel will normally comprise three members but, at the discretion of the Chairperson, or a Deputy Chairperson, may comprise more or fewer than three members.

Preliminary Matters and Pre-Hearing Conferences

11. (a) The Chairperson or a Deputy Chairperson may hear and determine any preliminary matter which might arise.

(b) The Chairperson or a Deputy Chairperson or the panel will, where appropriate, hold a pre-hearing conference prior to the substantive hearing of any Proceeding. Such conference will usually be by telephone, and give such directions as considered appropriate for the just, speedy and inexpensive determination of the Proceeding.

Independent Experts and Counsel

12. (a) The Tribunal may, in any Proceeding, either on its own motion or on the application of any party, appoint a person who is independent of the parties with expertise in the subject matter of the dispute to assist and advise the Tribunal. Such independent expert shall be entitled to be present at the hearing and have such powers and duties as are specified in the order of appointment but shall not be present during any deliberation of the Tribunal.

(b) The Tribunal may, if it deems it necessary, appoint counsel to assist the Tribunal in any Proceeding. Such counsel may be present at the hearing and at other times advise the Tribunal on matters of law, procedure or evidence in that Proceeding or matter. The counsel so appointed shall not be present during any deliberations of the Tribunal.

(c) The Tribunal shall be responsible for any fees and expenses incurred by a person appointed under either of the above sub-rules unless it otherwise directs.

Interested Party

13. The Tribunal may, on the application of the party or on its own motion or on the application of a person whom the Tribunal determines has a sufficient interest in the matter, add a further person or persons as parties to a Proceeding or allow a person or persons to make submissions or provide evidence in any Proceeding. If an Interested Party order is made, notice of the order will be given to such party (Form 7).
14. If a person whom the Tribunal has determined may become an interested person, elects to become an Interested Party, that person will, within seven working days of receiving notice of the order (Form 7), give notice to the Tribunal (Form 8), and shall thereafter be bound by these Rules as if that person was a party to the Proceeding.

Power to Inquire and Direct

15. (a) The Tribunal shall have the power to inquire into the subject-matter of any Proceeding in accordance with these Rules.
- (b) For the purposes of any inquiry, the Tribunal or any person authorised in writing by it may:
- (i) inspect and examine any papers, documents, records or items;
 - (ii) require any party or person bound by these Rules, and request any other person, to produce for examination any papers, documents, records or things in that person's possession or under that person's control and to allow copies of or extracts from any such papers, documents or records to be made;
 - (iii) require any party or person bound by these Rules, and request any other person, to furnish, in a form approved by or acceptable to it, any information or particulars that may be required by it, and any copies of or extracts from any such papers, documents or records; and
 - (iv) in respect of any Proceeding, hear evidence either of its own motion or upon application by any party, whether or not such evidence is new to the dispute.
- (c) The Tribunal may, if it thinks fit, require that any written information or particulars or any copies or extracts furnished under these Rules be verified by affidavit, statutory declaration or otherwise as the Tribunal may require.
- (d) The Tribunal may make such inferences and draw such conclusions as it considers appropriate from the failure by any person or party to comply with any order made under Rule 15(b) or (c).

Proof of Facts

16. Facts related to any Proceeding may be established by any reliable means, including admissions. In applications under Part B, the rules of proof set out in the Doping Rules shall apply.

Natural Justice

17. The Tribunal shall in all matters observe the principles of natural justice.

Time Rules

18. (a) Where these Rules fix a day within a time period for doing any act or taking any step in a Proceeding, then such act or step shall be taken by 5.00 pm (New Zealand time) on that day, unless determined otherwise by the Chairperson or a Deputy Chairperson before or after the time stipulated.
- (b) The Chairperson or a Deputy Chairperson, in the discretion of that person, may extend or, in urgent situations, abridge, the time period for doing any act or taking any Proceeding or any step in the Proceeding, on such terms (if any) as that person thinks just. This discretion may be exercised even if the application for an extension is made after the expiration of the time appointed or fixed.
- (c) The power to extend or abridge time limits shall not allow the Chairperson or Deputy Chairperson to alter a time period specified in the constitution or rules of a NSO or the NZOC, unless there is a provision in the constitution or rules permitting the Tribunal to grant such amendment or unless the parties agree to such an extension.

Filing Fees

19. The Tribunal may, by resolution, set filing fees for any Proceeding, and may, at its discretion, waive all or part of any fee in cases of hardship.

Registry

20. (a) The registry (office) of the Tribunal shall be situated at the offices of Sport and Recreation New Zealand or at such other place as determined from time to time.
- (b) All documents which are to be filed with the Tribunal shall be sent to the Registrar of the Tribunal at the following address:

The Registrar
Sports Tribunal
PO Box 3338
WELLINGTON

Phone: 0800 55 66 80
Facsimile: 0800 55 66 81
Email: info@sportstribunal.org.nz
Website: www.sportstribunal.org.nz

Language

21. (a) Subject to Rule 21(b), the language of the Tribunal shall be English and every aspect of the Proceeding, including written and verbal communications, shall be in English.
- (b) (i) The Tribunal shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
- (ii) Subject to Rule 21(b)(iii), any person, including any party and any person giving evidence before the Tribunal, wishing to do so in any Proceeding before the Tribunal may speak in Maori.
- (iii) Any person wishing to speak in Maori in any Proceeding shall give not less than 48 hours written notice to the Tribunal of that fact, and must obtain a translator to provide a translation of the Maori language spoken in any such Proceeding. The cost of the translator shall usually be met by the Tribunal, subject to the Tribunal, in its discretion, determining in any case that the cost shall be met in whole or in part by the person requiring the translator or any other party to the Proceeding.
- (c) (i) On application in writing by any party, or any person giving evidence in any Proceeding before the Tribunal, who wishes to speak in a language other than English or Maori, the Tribunal may hear evidence from such party or person through a translator. Such application shall be made not less than 48 hours before the person is due to give evidence.
- (ii) If the Tribunal permits a translator under Rule 21(c)(i), the party on whose behalf the evidence is to be given in this manner, shall arrange and meet any costs associated with the translator, unless the Tribunal in its discretion orders otherwise.

Service

22. (a) Every document which is filed with the Tribunal shall also be served on all other parties in the Proceeding (including Interested Parties) at the address for service notified by that party in its documents in the Proceedings. If an Interested Party has not notified such an address, service shall be at the known address of that party.
- (b) Documents to be filed with the Tribunal, or served on another party, shall be sent by post, courier, email, or facsimile or delivered in person.
- (c) Where a document is served on a party or person under these Rules, the document shall be deemed to have been served as follows:
- (i) if delivered in person between the hours of 9.00am and 5.00pm, then on that day, and if such delivery is outside of these hours, then on the next working day;
 - (ii) if posted, then on the earlier of:
 - the 5th working day after the day on which it was posted; or
 - the day on which it was received;
 - (iii) if transmitted by facsimile number or by email, then on the day on which it was transmitted, unless such transmission commenced after 5.00pm, in which case it shall be the next working day.

Representation

23. The parties, including any Interested Party, may be represented or assisted in the Proceeding by a person of their choice. The name, address, telephone and facsimile numbers of the person representing a party shall be communicated to the Registrar in advance of any pre-hearing conference or hearing in which the representative is to act for the party.

Minors

24. (a) A person who has not attained the age of 18 years, (referred to in these Rules as a “Minor”) may be a party to, and shall be bound by a Proceeding before the Tribunal as if the Minor were a person of full age and capacity.
- (b) Where a Minor is a party to any Proceeding, the Tribunal may, if the Minor agrees and it considers it would be in the interests of the Minor to do so, at any time appoint a person to represent the Minor. The Minor shall be responsible for any costs incurred as a result of such representation.

Privacy

25. (a) Proceedings in anti-doping violation applications under Part B are private and confidential, save where the parties agree otherwise or the Doping Rules otherwise provide. The decision will be reported in accordance with the provisions of the Doping Rules.
- (b) A proceeding brought under either Part C or Part D will usually be private and confidential. The Tribunal shall have an absolute discretion to hold a hearing in public either if it considers that there are exceptional circumstances to make a public hearing appropriate or, if the parties so agree. Unless the Tribunal in its discretion orders otherwise, a decision in such a Proceeding will be published.

Applicable Law

26. The Tribunal shall hear and determine all Proceedings according to the laws of New Zealand.

Decisions

27. (a) A decision of the Tribunal in any Proceeding shall be made by a majority decision of the panel members hearing the Proceeding.
- (b) The Tribunal may in its discretion give an oral decision but in every Proceeding the Tribunal will as soon as expedient issue a written decision with reasons.
- (c) In addition to its decision the Tribunal may make non-binding recommendations to an NSO or other relevant party arising out of any Proceeding.
- (d) Any decision of the Tribunal made under these Rules shall be enforceable, by any party to the Proceeding in which the order is made, in the courts of New Zealand under the law of contract.

Appeals

28. (a) The decision of the Tribunal shall be final and binding and shall not be questioned in any Court of law otherwise than in accordance with sub-rule (b) hereof.
- (b) A party may appeal a decision of the Tribunal to the Court of Arbitration for Sport if the rules or policies of the relevant International Federation or NSO so provide.
- (c) An appeal to the Court of Arbitration for Sport must be made within the time specified in the relevant rules of the International Federation or NSO and if there is no such time limit within 15 working days of the date of the written decision of the Tribunal.
- (d) An appeal will not operate as a stay of proceeding of the decision to which the appeal relates unless the Tribunal or the Court of Arbitration for Sport so orders.

Costs

29. (a) The Tribunal may order any party to a Proceeding to pay to any other party and/or to the Tribunal such costs and expenses (including filing fees and witnesses' expenses) as the Tribunal thinks fit.
- (b) Unless the Tribunal directs otherwise any costs awarded shall be paid within 21 working days of the Tribunal's decision as to costs. The party in whose favour the costs have been ordered, or the Tribunal (as the case may be) may enforce payment of the costs as a contractual debt in the District Court as provided in the Act.

General

30. (a) Subject to these Rules and the provisions of the Act and the Doping Rules, the Tribunal may regulate its procedures in such a manner as it thinks fit and prescribe or approve forms for the purposes of any Proceeding.
- (b) These Rules shall be construed as to secure the just, speedy, and inexpensive determination of any Proceeding.
- (c) Where any matter is not otherwise provided for in these Rules, the Tribunal shall have jurisdiction to make such orders or give such directions as it considers to be consistent with the just, speedy, and inexpensive determination of the Proceeding.

Mediation

31. (a) The Tribunal may, if so requested by the parties, or on its own volition, order that the substantive issue in a Proceeding or any sub-issue be mediated either before a Tribunal member or an independent person. If a Tribunal member is the mediator, that member may not sit on the panel which hears the substantive matter unless all parties so agree.
- (b) The Tribunal may order that the parties, or any of them, meet the cost of an independent mediator if the mediation proceeds with an independent mediator with the approval of all parties.

Correction of Accidental Slip or Omission

32. (a) If any decision of the Tribunal contains a clerical mistake or an error arising from any accidental slip or omission, the decision may be corrected by the Tribunal.
- (b) The correction may be made by the Tribunal, as the case may be, of its own volition or as a result of an interlocutory application made for that purpose.

Rehearing

33. (a) The Tribunal may order a rehearing if, in its opinion, there has been a miscarriage of justice that justifies a rehearing.
- (b) An order under subclause (a) may be made on such terms as the Tribunal thinks fit.
- (c) Without limiting the circumstances in which the Tribunal may order a rehearing, the Tribunal may hold that there has been a miscarriage of justice if:
- (i) the decision or portion of it has been obtained by any unfair or improper practice of the successful party to the prejudice of the opposite party; or
 - (ii) material evidence has been discovered since the hearing which could not reasonably have been foreseen or known before the hearing; or
 - (iii) any witness has been guilty of such misconduct as to affect the result of the hearing.
- (d) A rehearing may be ordered on any question in the proceeding, whatever be the grounds on which a rehearing is applied for, without interfering with the decision upon any other question.
- (e) An application for a rehearing shall be made by way of written application filed within 21 days from the date of delivery of the decision. The application shall state the circumstances alleged to have resulted in a miscarriage of justice and no other circumstances will be considered by the Tribunal. The application shall not operate as a stay of proceeding unless the Tribunal so orders.

Part B – Anti-Doping Violation Proceedings

Application of this Part

34. This Part of the Rules shall apply to the following Proceedings:
- (a) any Proceeding brought before the Tribunal pursuant to the Doping Rules;
 - (b) any other anti-doping violation brought before the Tribunal under the provisions of the Act by Drug Free Sport or an NSO in accordance with a valid anti-doping policy contained in its rules or constitution.

Applicants

35. An application for an anti-doping violation Proceeding may be made to the Tribunal by either Drug Free Sport or an NSO or such other organisation as the Tribunal determines is entitled to bring such an application in accordance with the provisions of the Code or the Doping Rules.

Procedure

36. (a) The applicant shall complete and file with the Tribunal, the Tribunal's prescribed application form (Form 1 or Form 10) and pay the prescribed filing fee (if any). See Rule 40 and Form 6 in relation to applications for provisional suspension.
- (b) In accordance with the provisions of Rule 22, the applicant shall personally serve a copy of the application on the respondent against whom the allegations are made and shall provide to the Tribunal written confirmation of both the service of the application on the respondent and the date of service.
- (c) If the applicant is unable to personally serve the respondent, the applicant may apply to the Tribunal for an order for substituted service, indicating in the application the proposed manner of substituted service which the applicant believes will bring notice of the application to the attention of the respondent.
- (d) The respondent, other than in an appeal against a decision denying a therapeutic use exemption, has the right to defend the application or to admit the violation but request the right to participate in the hearing to make submissions as to the appropriate sanction. If the respondent wishes to take either of these courses, he or she will file with the Tribunal, and serve on the applicant the Tribunal's current statement of defence or participation form (Form 2) within a period of seven working days from the date of service of the notice of application. If a respondent does not file a notice of defence/participation within the seven working day period, or such extended period as may be ordered to by the Tribunal, the athlete will be deemed to have waived his or her right to participate in a hearing, although the Tribunal may, in its discretion, subsequently give the athlete leave to participate.
- (e) In the case of an athlete bringing an appeal against a decision denying a therapeutic use exemption (Form 10), the respondent shall have seven working days to file its statement of defence (Form 11).
- (f) In an anti-doping violation application brought by Drug Free Sport, the NSO of the athlete will be joined as an Interested Party and Drug Free Sport will send to the head office of the NSO a copy of the application and all relevant documents.

Pre-Hearing Conference

37. The Tribunal will normally convene a pre-hearing conference which will usually be held within five working days of the respondent filing the notice of defence/participation. The conference will normally be conducted by telephone, during which the Tribunal will fix the date of hearing, determine the type of hearing (which, in appropriate cases, may be by teleconference), give any procedural or evidential directions that may be appropriate, and make such other orders as are necessary to facilitate the prompt and just expedition of the matter. At the discretion of the Tribunal and with the consent of the parties, a pre-hearing conference may become the hearing.

Hearing

38. (a) At the hearing, both parties shall be entitled to legal representation at their own cost. The Tribunal may receive evidence in accordance with section 40 of the Act and the provisions of the Doping Rules and may order costs in accordance with section 47 of the Act. If the Doping Rules apply to the application, the appropriate provisions from those rules, relating to the burdens and standard of proof and the methods of establishing facts and presumptions will apply. If the applicant does not rely on the Doping Rules, the burdens and standards of proof and methods of establishing facts and presumptions will be as set out in the appropriate constitution, rules, regulations or anti-doping policy of the NSO to which the athlete belongs. If these matters are not covered in the appropriate documents of the NSO, the provisions of the Doping Rules will apply.
- (b) If the Tribunal determines that an anti-doping violation has been committed, the Tribunal may impose such sanctions as are permitted by the Doping Rules, unless the rules or constitution of the relevant NSO provide other sanctions, in which case the latter will be applied.

Time of Proceeding

39. The Doping Rules provide that an anti-doping violation Proceeding must be completed in a timely manner and shall normally be completed within three months of the notification of the violation. The Tribunal will take all necessary steps to expedite the Proceeding, providing such expedition conforms to the principles of natural justice, and will endeavour to make and issue its decision within seven working days of the conclusion of a hearing.

Provisional Suspensions

40. (a) When the Tribunal receives a reference under the Doping Rules from an NSO on the question of whether to impose a Provisional Suspension, the Tribunal will consider such question urgently in accordance with the provisions of Rule 12 of the Doping Rules (or any subsequent amended or replacement Rule to the said Rule 12).
- (b) Applications to consider provisional suspensions by an NSO not brought under the provisions of the Doping Rules will be considered under the rules of the applicant NSO with the Tribunal determining the procedure to be followed to resolve the issue with all due expedition.
- (c) The application for consideration of Provisional Suspension will be made on Form 6. A copy of the application will be served on Drug Free Sport if it is not the applicant.

Part C – Appeal Proceedings

41. This Part C applies to:
- (a) appeals brought against a decision of a NSO or the NZOC (section 38(c) of the Act), including selection appeals; and
 - (b) sports-related disputes brought within the provisions of section 38(b) of the Act, if the dispute is in substance an appeal from a decision of a NSO or the NZOC.

Grounds of Appeal

42. The grounds for an appeal shall be those set out in the constitution, rules or regulations of the NSO or the NZOC (if the appeal is brought under section 38(c) of the Act) or as set out in the agreement between the parties (if the appeal is brought under the provisions of section 38(b) of the Act). In the absence of such grounds, the grounds shall only be one or more of the following grounds:
- (a) natural justice was denied;
 - (b) the decision-maker or decision-making body acted outside of its powers and/or jurisdiction (i.e. acted ultra vires);
 - (c) substantial new evidence became available after the decision, which is being appealed, was made;
 - (d) in the case of a decision relating to misconduct, the penalty was either excessive or inappropriate;
 - (e) in respect of a decision relating to the Selection or Non-Selection of the appellant as a New Zealand representative in a sport or to a New Zealand representative team or squad, the following additional grounds apply:
 - (i) the applicable Selection Criteria have not been properly followed and/or implemented;
 - (ii) the person seeking selection was not afforded a reasonable opportunity by the NSO to satisfy the applicable Selection Criteria;
 - (iii) the selection decision was affected by actual bias;
 - (iv) there was no material on which the selection decision could reasonably be based.

Procedure

43. (a) The appellant shall complete and file with the Tribunal, the Tribunal's current notice of appeal (Form 3) and pay such filing fee (if any) for the time being prescribed by the Tribunal. Such notice of appeal shall be filed with the Tribunal within the time limit set out in the applicable constitution, rules or regulations of the NSO or the NZOC and in the absence of such time limits, within 28 days of the appellant being notified of the decision against which the appeal is made. A copy of the notice of appeal will be served on the NSO or the NZOC (as the case may be) and the appellant will provide the Tribunal with proof of service.
- (b) Within 10 working days of filing the notice of appeal, the appellant will file and serve on the respondent, an appeal brief in the form set out in Form 4 in the prescribed forms.
- (c) Within 14 working days of receiving the appeal brief, the respondent shall file and serve on the appellant, a statement of defence in the prescribed form (Form 5). If the respondent fails to file such statement of defence within the prescribed time, or such extended time as given by the Tribunal, the Tribunal may proceed with the appeal and issue its decision.

Pre-Hearing Conference

44. As soon as practicable after the filing of the statement of defence the Tribunal will convene a pre-hearing conference to make all necessary and appropriate directions to bring the matter to an early hearing. There may be more than one pre-hearing conference. Matters to be considered at the first pre-hearing conference will include:
- (a) whether an Interested Party is to be invited to join the appeal, and if so, the steps to be taken to give such Interested Party the right to join and the procedure to be followed thereafter;
 - (b) whether there are any challenges to the jurisdiction of the Tribunal.

Hearing

45. Subject to the rules of natural justice, a hearing will be held as soon as practicable after the parties have filed the appropriate documents as provided for in these Rules. The Tribunal shall determine the procedure at the hearing. In appropriate cases and by agreement of the parties and the Tribunal, the appeal may be determined by the Tribunal by reference only to the documents filed, without hearing from the parties or others in person.

Evidence

46. (a) The Tribunal shall have a discretion to admit new evidence and may re hear the matter. Unless directed otherwise, the parties will be required to place before the Tribunal, the transcript (if available) of the hearing at which the decision appealed from was made, copies of any witness statements produced to that hearing and all other relevant documents which were before the body which made the decision appealed from.
- (b) The provisions of section 40 of the Act relating to evidence shall apply to an appeal unless the rules of the respondent provide otherwise.
- (c) The onus of proof shall be upon the appellant.

Tribunal Decision

47. (a) The decision of the Tribunal shall be consistent with the applicable constitution, rules or regulations of the NSO or the NZOC, if the latter are relevant. Unless such constitution, rules or regulations expressly or impliedly provide otherwise, the Tribunal may make any decision that the body appealed from was capable of making on the original application or may refer the matter back to that body for further consideration, with such directions (if any) which the Tribunal determines to give.
- (b) If the appeal is allowed, the Tribunal in addition to making the orders provided by Rule 47(a) above, may make such orders as it considers appropriate to give effect to its decision, including imposing:
- (i) a reprimand or warning;
 - (ii) suspension from such activities of the NSO and/or the NZOC including events, competitions, tournaments, meetings, and functions on such terms and for such period as it thinks fit;
 - (iii) suspension of the person's membership of the NSO and/or its members;
 - (iv) fines, imposed in such manner and in such amount as the Tribunal thinks fit;
 - (v) such other penalty as the Tribunal considers commensurate with the offence; and/or
 - (vi) such combination of any of the above penalties as the Tribunal thinks fit.

Recommendation to SPARC

48. The Tribunal whether or not it allows or dismisses the appeal, may recommend to Sport and Recreation New Zealand, and/or NZOC that funding and/or services made available to the appellant (or any person involved in the appeal other than merely as a witness) and/or the NSO be suspended or withdrawn, and/or recommend that changes be made to any applicable rule, policy, or procedure of the relevant NSO.

Selection Appeal

49. Rule 47 shall not apply to an appeal against Selection or Non-Selection of a national team or squad. If the appellant succeeds on such an appeal, the Tribunal may:
- (a) as a matter of usual practice, but in the discretion of the Tribunal, refer the question of selection back to the NSO and/or the NZOC for determination in accordance with the relevant selection criteria;
 - (b) allow the appeal and conclusively determine the issue of selection of the appellant if:
 - (i) it would be impracticable to refer the question of selection back to the NSO and/or the NZOC in the time available in which entries to the relevant event or competition are to be submitted; or
 - (ii) there has been such disregard of the selection criteria by or on behalf of the NSO and/or the NZOC that a reasonable person could reasonably conclude that it is unlikely that the selection criteria will be properly followed and/or implemented.

Part D – Sports-Related Disputes

Application

50. This Part D applies to matters which come before the Tribunal in the manner referred to in section 38(b) of the Act.

Procedure

51. An application under this Part shall be commenced by the parties filing on the Tribunal's current prescribed application form (Form 9) and incorporating in or attaching to that application form a signed agreement to refer the matter to the Tribunal. The parties will also pay such filing fee as the Tribunal may from time to time determine.

Pre-Hearing Conference

52. As soon as practicable after the filing of the application, the Tribunal will (if necessary) convene a pre-hearing conference at which all necessary directions will be given to bring the matter to a prompt hearing. Those directions will include:
- (a) directions as to the statements of position to be filed by the parties and the sequence and timing of such statements;
 - (b) the filing of statements of issues and the relief or directions sought;
 - (c) the manner in which evidence (if any) and documents are to be brought before the Tribunal;
 - (d) the date and place of hearing; and
 - (e) such other directions as may be necessary to bring the matter to an expeditious hearing.

Determination

53. The Tribunal will determine the sports related dispute either with or without a hearing but in accordance with the principles of natural justice. It will issue its decision as soon as reasonably practicable and may in its discretion award costs to one or more parties.

Appendices of Forms

- Form 1. Application for Anti-Doping Rule Violation Proceedings
- Form 2. Notice of Defence in Anti-Doping Violation Proceeding or Notice of Wish to Participate on Sanctions
- Form 3. Notice of Appeal (Including Selection Appeals)
- Form 4. Appeal Brief
- Form 5. Statement of Defence to Appeal
- Form 6. Application for Provisional Suspension in Anti-Doping Rule Violation Matter
- Form 7. Notice to Interested Party
- Form 8. Notice from Interested Party
- Form 9. Application for Resolution of Sports Related Dispute
- Form 10. Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE)
- Form 11. Statement of Defence to Appeal from Decision Denying Therapeutic Use Exemption (TUE)



Application for Anti-Doping Rule Violation Proceedings

1. Details of the Applicant

Name	TITLE	FIRST NAME	SURNAME
Postal Address	STREET		SUBURB
	CITY		
	POSTCODE		

Contact Person for this application

Name	TITLE	FIRST NAME	SURNAME
Position			
Telephone (Wk)			Mobile
Facsimile (Wk)			
Email			

2. Details of the Athlete

Please provide the last known contact details of the person against whom you allege may have or has committed an Anti-Doping Rule Violation ("the Athlete").

Name	TITLE	FIRST NAME	SURNAME
Postal Address	STREET		SUBURB
	CITY		
	POSTCODE		
Telephone (Wk)			(Hm)
Facsimile (Wk)			Mobile
Email			

3. Details of Representative

Please insert the details of your legal representative or other person, if any, who will be representing the Applicant in these Proceedings.

Name of Representative			
Firm/Company			
Postal Address	STREET		SUBURB
	CITY		
	POSTCODE		

Contact Person for this application

Name	TITLE	FIRST NAME	SURNAME
Position			
Telephone (Wk)			Mobile
Facsimile (Wk)			
Email			

4. Jurisdiction

Give details of the basis of the Tribunal's jurisdiction.

5. Alleged Anti-Doping Violation

(a) Give details of the alleged anti-doping violation.

(b) Give details of the article or rule in the WADA Code, Sports Anti-Doping Rules or other relevant constitutional or regulatory provision which the Athlete has allegedly infringed.

(c) Summarise the evidence which will be produced in support of the alleged violation (the summary will not preclude further evidence being brought in accordance with any direction given by the Tribunal). If the basis of the allegation is a positive test result provide a copy of the documents evidencing that result.

6. Provisional Suspension

(a) Has the NSO (if the applicant is not the NSO) had its attention drawn to the provisional suspensions provisions of the Doping Rules? Yes No

(b) Is the Applicant applying for the Athlete to be provisionally suspended? Yes No

If answer to (b) above is yes and Applicant is applying for provisional suspension, please also complete and file Form 6 Application for Provisional Suspension in Anti-Doping Rule Violation Matter.

7. Result Sought

Please supply the outcome sought in accordance with the applicable doping rules/policies.

8. Authority

Name

by signing this application certifies that the signatory is authorised to sign this application on behalf of the Applicant.

Signed

Position

Date

Filing and Service Instructions

1. This application should be signed and filed with the Registrar of the Sports Tribunal at the address given below.
2. The application should be accompanied by the prescribed filing fee (if any) together with a copy of the applicable constitution, rules or policies which give the Applicant the basis for bringing the allegations.
3. Where possible, a summary of the evidence to be brought in support of the allegations and a copy of documents evidencing a positive test return should be attached.
4. The Applicant is to personally serve a copy of this application and attachments on the Athlete as soon as practical after the original has been filed with the Tribunal and will forthwith after service forward to the Tribunal Notice of Service on the form attached.

The Registrar
Sports Tribunal
PO Box 3338
WELLINGTON

Ph: 0800 55 66 80
Fax: 0800 55 66 81

Email: info@sportstribunal.org.nz
Web: www.sportstribunal.org.nz

Notice of Service

(to be attached to Form 1)

I,
hereby certify that on the day of 20

I personally served upon the Athlete named in the attached application a true copy of the Application and supporting documents.

Attached hereto is a copy of the Application and supporting documents which I served on the Athlete. I have initialled each page of the Application form and supporting documents as evidence that these are true copies of the documents so served.

Dated the day of 20

Signed

Notice to be Endorsed on Application Served on Athlete

To

Address

STREET	SUBURB
CITY	
POSTCODE	

This is a copy of the application filed by the Applicant with the Sports Tribunal.

The Tribunal has an obligation to promptly hear this application. Your rights are:

- (a) To defend the application.
- (b) To admit the violation but advise you wish to participate in a hearing to make submissions on any penalty which may be imposed; or
- (c) to admit the violation and advise you do not wish to participate in a hearing and understand that a penalty will be determined by the Tribunal based on the application.

You must by 5.00pm on a date not later than seven working days from the service of this notice on you complete, sign and return the attached Form 2 if you wish either to defend the Application or to admit the violation but to participate in the hearing to consider the penalty. If you do not take such action the Tribunal has the right to hear and determine the application in your absence and impose a penalty on you.

If you need more time to complete and return the attached form, you should immediately apply to the Registrar for an extension of time.

A copy of the relevant Rules of the Tribunal is enclosed for your information. If you have questions regarding this matter, please contact the Registrar on 0800 55 66 80 or email on info@sportstribunal.org.nz.



FORM 2

Notice of Defence in Anti-Doping Violation Proceeding/ or Notice of Wish to Participate on Sanctions

I,

TITLE	FIRST NAME	SURNAME
-------	------------	---------

 (name of Defendant)

of

STREET	SUBURB
--------	--------

 (address)

CITY

POSTCODE

Having received a copy of the application and supporting documents advise: (please tick the appropriate box)

- I wish to defend the Application.
- I admit the violation but wish to participate in the Proceeding by making submissions on any sanction or penalty which might be imposed.
- I admit the violation but do not wish to participate in the hearing and acknowledge that the Tribunal may impose a penalty on me without holding a hearing and that I will be notified of any such penalty at the above address for service.

Grounds for Defence (to be completed if the first box above has been ticked)

The grounds upon which I intend to defend the application are: (summarise the grounds)

A summary of the evidence which I will submit in support of my defence is:

If there is a challenge to the jurisdiction of the Tribunal, please specify the grounds of the challenge:

Participation to make Submissions on Sanction (complete if second box ticked)

My submissions as to penalty are: (submissions can be elaborated on at hearing)

A summary of the evidence which I propose to adduce in support of my submissions is:

Signed

Date

Instructions for Filing Defence

This form must be completed, signed and returned to the Registrar by 5.00pm within seven working days of the service on you of the Notice of Application. A copy of the form is to be served on the Applicant within such time. Contact details are:

The Registrar
Sports Tribunal
PO Box 3338
WELLINGTON

Ph: 0800 55 66 80
Fax: 0800 55 66 81

Email: info@sportstribunal.org.nz
Web: www.sportstribunal.org.nz

Notice of Appeal

(including selection appeals)

1. Details of the Person / Organisation Appealing (“the Appellant”)

Name

Contact Person (if Organisation)

Name

Position

Telephone (Wk) Mobile

Facsimile (Wk)

Email

2. Details of Respondent (either a National Sports Organisation or the NZ Olympic Committee)

Name

Postal Address

Telephone (Wk) (Hm)

Facsimile (Wk) Mobile

Email

3. Details of Representative

Please insert the details of your legal representative or other person, if any, who will be representing the Applicant in these Proceedings.

Name of Representative

Firm/Company

Postal Address

Contact Person for this application

Name

Position

Telephone (Wk) Mobile

Facsimile (Wk)

Email

4. Interested Parties

Are there any other persons or organisations who or which may be directly affected by, or who has a sufficiently close interest in, the outcome of these Proceedings? If so please insert their contact details. Continue on separate page if necessary.

Name	TITLE			FIRST NAME			SURNAME			
Postal Address	STREET						SUBURB			
	CITY									
							POSTCODE			
Telephone (Wk)							Mobile			
Facsimile (Wk)										
Email										

Reason person(s) may be affected or have a sufficiently close interest in outcome:

5. Jurisdiction

Specify the basis on which the appellant has a right of appeal (i.e. give details of the constitution, rules, or regulations of the National Sporting Organisation or the New Zealand Olympic Committee which gives a right of appeal to this Tribunal. If there is some other jurisdictional basis for the right of appeal specify it).

6. Urgency

Are there grounds for suggesting this appeal should be heard on an urgent basis? Yes No

If yes, please describe below the reasons why you consider there is urgency in hearing the appeal.

7. Decision being appealed

Please provide details of the decision which you are appealing against, including which committee or person within the Respondent made the decision, the date it was made, and the nature of the decision (e.g. selection, misconduct).

Please also attach a copy of the decision to this application.

8. Grounds of Appeal

Specify the grounds upon which the appeal is brought. These grounds must either be as set out in the relevant constitution, rules or regulations of the body appealed from or if there are no such grounds in such documents, then they must be in accordance with the Tribunal's own grounds of appeal as set out in Rule 42 of the Tribunal's Rules. Your submissions on these grounds of appeal are to be included in your appeal brief (Form 4).

9. Outcome Sought

Please specify the outcome or relief you are seeking from the appeal.

Signed

Date

DAY / MONTH / YEAR

Filing and Service Instructions

1. This application should be signed and filed with the Registrar of the Sports Tribunal at the address given below.
2. The application should be accompanied by the prescribed filing fee of \$500 (inclusive of GST) together with a copy of the applicable constitution, rules or policies which give the Applicant the basis for bringing the allegations.
3. The Appellant is to serve a copy of this Application and attachments on the Respondent as soon as practical after the original has been filed with the Tribunal and will forthwith after service forward to the Tribunal Notice of Service on the form attached.

The Registrar
Sports Tribunal
PO Box 3338
WELLINGTON

Ph: 0800 55 66 80
Fax: 0800 55 66 81

Email: info@sportstribunal.org.nz
Web: www.sportstribunal.org.nz

Notice of Service

(to be attached to Form 3)

I,
hereby certify that on the day of 20

I served upon the Respondent named in the attached Notice of Appeal a true copy of the Notice of Appeal and supporting documents.

Attached hereto is a copy of the Notice of Appeal and supporting documents which I served on the Respondent. I have initialled each page of the Notice of Appeal and supporting documents as evidence that these are true copies of the documents so served.

Dated the day of 20

Signed

Notice to be Endorsed on Application Served on Respondent

To (Respondent)

Address

STREET	SUBURB
CITY	
POSTCODE	

This is a copy of the Notice of Appeal filed by the Applicant with the Sports Tribunal.

You need take no further action until a copy of the Appeal Brief (Form 4) is served upon you. You will then have 14 working days from the date the Appeal Brief is served on you to file a Statement of Defence (Form 5).

A copy of the relevant Rules of the Tribunal is enclosed for your information. If you have questions regarding this matter, please contact the Registrar on 0800 55 66 80 or email on info@sportstribunal.org.nz.

Appeal Brief

1. Parties

Name of Appellant	TITLE	FIRST NAME	SURNAME
Name of Respondent	TITLE	FIRST NAME	SURNAME

2. Appeal

As the Appellant I/we wish to appeal the decision of the Respondent

Dated upon the grounds set out in my/our Notice of Appeal.

The facts supporting those grounds of appeal are as follows:

Please set out your version of events leading up to the decision of the Respondent and surrounding the decision itself. You must also attach to this application, copies of any statement of evidence from your witnesses and exhibits which you intend to reply upon in this appeal. Continue on separate pages if necessary.

3. Grounds of Appeal

By referring to the grounds of appeal specified in your Notice of Appeal, please make submissions on why and how you consider the decision of the Respondent was wrong or incorrect?

4. Outcome

Please specify the outcome or relief you are seeking from the appeal.

5. Signature of Appellant

An Appellant's representative may sign on behalf of the Appellant, and in so doing undertakes s/he has the authority to do so.

Signed

Position

Date

Filing and Service Instructions

1. This Appeal Brief should be signed and filed with the Registrar of the Sports Tribunal at the address given below within ten working days of the filing of the Notice of Appeal (Form 3).
2. The Appeal Brief should be accompanied by copies of all documents upon which the Appellant relies and which have not already been filed and served, including (where relevant) the briefs of evidence and other material considered at the hearing where the decision appealed from was made.
3. The Appellant is to serve a copy of this Appeal Brief and attachments on the Respondent within ten working days of the filing of the Notice of Appeal with the Tribunal and will forthwith forward notice of service to the Tribunal.

The Registrar
Sports Tribunal
PO Box 3338
WELLINGTON

Ph: 0800 55 66 80
Fax: 0800 55 66 81

Email: info@sportstribunal.org.nz
Web: www.sportstribunal.org.nz

Notice of Service

(to be attached to Form 4)

I,
hereby certify that on the day of 20

I served upon the Respondent named in the attached Appeal Brief a true copy of the Notice of Appeal and supporting documents.

Attached hereto is a copy of the Appeal Brief and supporting documents which I served on the Respondent. I have initialled each page of the Appeal Brief and supporting documents as evidence that these are true copies of the documents so served.

Dated the day of 20

Signed



Statement of Defence to Appeal

1. Parties

Name of Appellant	TITLE	FIRST NAME	SURNAME
Name of Respondent	TITLE	FIRST NAME	SURNAME

2. Response to Appeal

In response to the Appeal, the Respondent says that:

- (a) it does / does not (strike out as applicable) consider the Tribunal has jurisdiction to hear and determine this appeal, and if it does not, see its reasons specified below;
- (b) its response to each of the grounds of appeal stated in the Notice of Appeal and Appeal Brief are set out below.

3. Jurisdiction of Tribunal

The Respondent does not accept that the Tribunal has jurisdiction to hear and determine this appeal for the following reasons:

(complete this section only if you object to the Tribunal's jurisdiction)

5. Response to Grounds of Appeal

Please set out in detail your response to the Appellant's statement of why and how she/he/it considers the decision being appealed was wrong or incorrect as contained in the Notice of Appeal and Appeal Brief.

6. Signature of Respondent

The Respondent's representative may sign on behalf of it, and in so doing undertakes she/he has the authority to do so.

Signed	<input type="text"/>			
Name (print)	<table border="1"><tr><td>TITLE</td><td>FIRST NAME</td><td>SURNAME</td></tr></table>	TITLE	FIRST NAME	SURNAME
TITLE	FIRST NAME	SURNAME		
Position	<input type="text"/>			
Date	<input type="text" value="DAY / MONTH / YEAR"/>			

Filing and Service Instructions

1. This Statement of Defence should be signed and filed with the Registrar of the Sports Tribunal at the address given below within 14 working days of the Respondent receiving the Appeal Brief.
2. The Statement of Defence should be accompanied by copies of all documents upon which the Respondent relies.
3. The Respondent must send copies of this Statement of Defence and documents upon which the Respondent relies to the Appellant at the address shown on the Notice of Appeal at the same time as they are filed with the Tribunal and give notice to the Tribunal on the form attached.

The Registrar
Sports Tribunal
PO Box 3338
WELLINGTON

Ph: 0800 55 66 80
Fax: 0800 55 66 81

Email: info@sportstribunal.org.nz
Web: www.sportstribunal.org.nz

Notice of Service

(to be attached to Form 5)

I,
hereby certify that on the day of 20

I served upon the Appellant, a true copy of the Statement of Defence and supporting documents.

Attached hereto is a copy of the Statement of Defence and supporting documents which I served on the Appellant. I have initialled each page of the Statement of Defence and supporting documents as evidence that these are true copies of the documents so served.

Dated the day of 20

Signed

Application for Provisional Suspension in Anti-Doping Rule Violation Matter

1. Details of the Applicant

Name	TITLE	FIRST NAME	SURNAME
Postal Address	STREET		SUBURB
	CITY		
	POSTCODE		

Contact Person for this application

Name	TITLE	FIRST NAME	SURNAME
Position			
Telephone (Wk)		Mobile	
Facsimile (Wk)			
Email			

2. Details of the Athlete

Please provide the last known contact details of the person against whom you allege may have or has committed an Anti-Doping Rule Violation ("the Athlete").

Name	TITLE	FIRST NAME	SURNAME
Postal Address	STREET		SUBURB
	CITY		
	POSTCODE		
Telephone (Wk)		(Hm)	
Facsimile (Wk)		Mobile	
Email			

3. Details of Representative

Please insert the details of your legal representative or other person, if any, who will be representing the Applicant in these Proceedings.

Name of Representative			
Firm/Company			
Postal Address	STREET		SUBURB
	CITY		
	POSTCODE		

Contact Person for this application

Name	TITLE	FIRST NAME	SURNAME
Position			
Telephone (Wk)		Mobile	
Facsimile (Wk)			
Email			

4. Jurisdiction

Provide jurisdiction for provisional suspension.

5. Alleged Anti-Doping Violation

(a) Give details of the alleged anti-doping violation.

(b) Give details of the article or rule in the WADA Code, Sports Anti-Doping Rules or other relevant constitutional or regulatory provision which the Athlete has allegedly infringed.

(c) Summarise the reasons which apply to provisional suspension.

6. Notification of Adverse Analytical Finding attached

Please provide with this Application a copy of the Notification of the Adverse Analytical Finding that you will have received from Drug Free Sport. Please ensure all relevant documents received such as laboratory analysis results and doping control forms etc are included.

Is the Notification of the Adverse Analytical Finding attached? Yes No

7. Authority

Name

TITLE	FIRST NAME	SURNAME
-------	------------	---------

by signing this application certifies that the signatory is authorised to sign this application on behalf of the Applicant

Signed

--

Position

--

Date

DAY / MONTH / YEAR

Filing and Service Instructions

1. This application should be signed and filed with the Registrar of the Sports Tribunal at the address given below.
2. The application should be accompanied by a copy of the applicable constitution, rules or policies which give the Applicant the basis for applying for provisional suspension.
3. A copy of this application and supporting documents is to be served on Drug Free Sport New Zealand (If Drug Free Sport New Zealand is not the applicant).
4. The Applicant is to personally serve a copy of this application and attachments on the Athlete as soon as practical after the original has been filed with the Tribunal and will forthwith after service forward to the Tribunal Notice of Service on the form attached.
5. The Tribunal has the right to hear such an application, notwithstanding that service has not been affected on the athlete.

The Registrar
Sports Tribunal
PO Box 3338
WELLINGTON

Ph: 0800 55 66 80
Fax: 0800 55 66 81

Email: info@sportstribunal.org.nz
Web: www.sportstribunal.org.nz

Notice of Service

(to be attached to Form 6)

I,
hereby certify that on the day of 20

I served upon the Athlete, a true copy of the Application for Provisional Suspension and supporting documents.

Attached hereto is a copy of the Application for Provisional Suspension and supporting documents which I served on the Athlete. I have initialled each page of the Application for Provisional Suspension and supporting documents as evidence that these are true copies of the documents so served.

A copy of all the aforesaid documents was forwarded to Drug Free Sport New Zealand (if Drug Free Sport New Zealand is not the Applicant).

Dated the day of 20

Signed

FORM 7

Notice to Interested Party

To,

TITLE	FIRST NAME	SURNAME
-------	------------	---------

 (name)

of

STREET	SUBURB
CITY	
POSTCODE	

 (address)

TAKE NOTICE that on

DAY / MONTH / YEAR

 an application was made to the Tribunal

by

TITLE	FIRST NAME	SURNAME
-------	------------	---------

 (applicant)

in which: (give details of Proceeding)

The Tribunal considers you may be affected by the outcome of the application/appeal (strike out as applicable) and invites you to participate in the Proceeding.

Enclosed with this Notice are copies of the documents filed by the parties in the Proceedings so far, together with a copy of the applicable rules and/or policies. In addition a copy of any directions made by the Tribunal at a Pre-Hearing Conference on the matter is enclosed.

If you wish to participate in the Proceeding, you must complete, sign and return Form 8 to the Registrar of the Tribunal within seven working days of receiving this Notice to Interested Party (Form 7).

Please note that participating in the Proceeding does not necessarily mean you will be required to attend a hearing. The Tribunal uses technological means as far as possible to enable all parties to participate in a hearing.

- If you do wish to participate in the Proceeding you will be regarded as a party to the Proceeding and have all the rights and obligations of a party under the Rules of the Tribunal, including the right to be represented by a person of your choice and the obligation to meet your own costs.
- If you do not wish to participate in the Proceeding you should contact the Registrar on 0800 55 66 80 or email on info@sportstribunal.org.nz and advise him of this fact.
- If you do nothing, the Tribunal will proceed with the hearing without any further reference to you.
- If you need more time to complete and return the Form, you must apply for an extension of time from the Tribunal (refer to Rule 18(b) of the Rules).
- You should read the Rules of the Tribunal which are enclosed carefully in order that you understand your rights and obligations.

If you have any questions regarding this matter please contact the Registrar on 0800 55 66 80 or email on info@sportstribunal.org.nz

Registrar
Sports Tribunal

Date

DAY / MONTH / YEAR



FORM 8

Notice From Interested Party

I/we

TITLE	FIRST NAME	SURNAME
-------	------------	---------

 (name)

of

STREET	SUBURB
CITY	
POSTCODE	

 (address)

Acknowledge that I/we have received the Notice to Interested Party which refers to the: (complete details of application and accompanying documents filed with the Tribunal)

TITLE	FIRST NAME	SURNAME
-------	------------	---------

 (name of applicant)

I/we advise the Tribunal that: (please tick the appropriate box)

- I/we do wish to participate in the Proceeding.
- I/we do not wish to participate in the Proceeding and I/we acknowledge that the Tribunal may make a decision without further recourse to me/us.

Signed

--

Date

DAY / MONTH / YEAR

Instructions for Filing Notice

This form must be completed, signed and returned to the Registrar within seven working days of you receiving the Notice to Interested Party (Form 7).

Contact details are:

The Registrar	Ph: 0800 55 66 80	Email: info@sportstribunal.org.nz
Sports Tribunal	Fax: 0800 55 66 81	Web: www.sportstribunal.org.nz
PO Box 3338		
WELLINGTON		



Application for Resolution of Sports Related Dispute

1. Details of the Parties

Name	TITLE	FIRST NAME	SURNAME	(1 st Party)
	TITLE	FIRST NAME	SURNAME	(2 nd Party)
	TITLE	FIRST NAME	SURNAME	(any other parties)

First Party (contact person for this application)

Name	TITLE	FIRST NAME	SURNAME
Position			
Telephone (Wk)			Mobile
Facsimile (Wk)			
Email			

Second Party (contact person for this application)

Name	TITLE	FIRST NAME	SURNAME
Position			
Telephone (Wk)			Mobile
Facsimile (Wk)			
Email			

2. Details of the Parties' Representatives

Please insert the details of your legal representative or other person, if any, who will be representing you or your organisation in these Proceedings.

Name of First Party's Representative

Firm/Company			
Postal Address	STREET	SUBURB	
	CITY		
	POSTCODE		

Name of Second Party's Representative

Firm/Company			
Postal Address	STREET	SUBURB	
	CITY		
	POSTCODE		

3. Jurisdiction for Tribunal to Hear the Matter

The jurisdiction for the Tribunal to determine this matter is:

Where the jurisdiction is based on an agreement between the parties, a copy of that agreement is attached.

4. Urgency

Are there grounds for suggesting these Proceedings should be heard on an urgent basis?

Yes No

If yes, please describe below the reasons why you consider there is urgency in hearing the matter.

5. Nature of Dispute

Please briefly set out the nature of the dispute ie. What it is about. Please attach a copy of any applicable rules or policies of your sport which you consider apply to this dispute.

6. Summary of Parties' Position

Briefly summarise each Party's position.

First Party

Second Party

7. Information to be Provided by Parties

Each Party to provide copies of relevant documents in support of Party's Position. Briefly summarise relevance of documents.

First Party

Second Party

8. Outcome Sought

Please specify the outcome the parties seek from the Tribunal.

First Party

Second Party

9. Signature of Applicants

In signing this application on behalf of a Party, you undertake that you are duly authorised to commence this Proceeding. The Party's Representative may sign on behalf of the party and in so doing undertake s/he has the authority to do so.

First Party

Signed	<input type="text"/>	Date	<input type="text" value="DAY / MONTH / YEAR"/>
Name (print)	<input type="text" value="TITLE FIRST NAME SURNAME"/>		
Position	<input type="text"/>		

Second Party

Signed	<input type="text"/>	Date	<input type="text" value="DAY / MONTH / YEAR"/>
Name (print)	<input type="text" value="TITLE FIRST NAME SURNAME"/>		
Position	<input type="text"/>		

Additional Parties

Signed	<input type="text"/>	Date	<input type="text" value="DAY / MONTH / YEAR"/>
Name (print)	<input type="text" value="TITLE FIRST NAME SURNAME"/>		
Position	<input type="text"/>		

Filing and Service Instructions

1. This application should be signed by both parties and filed with the Registrar of the Sports Tribunal at the address given below.
2. The application should be accompanied by the prescribed filing fee (if any) together with a copy of a signed agreement between the parties to refer the matter to the Tribunal.
3. Where possible, a summary of the evidence to be brought in support of each Party's position should accompany this Application. If a Party wishes to withhold this summary, the Party should indicate that the Party is withholding the summary and request the matter be discussed at the first pre-hearing conference.

The Registrar
Sports Tribunal
PO Box 3338
WELLINGTON

Ph: 0800 55 66 80
Fax: 0800 55 66 81

Email: info@sportstribunal.org.nz
Web: www.sportstribunal.org.nz

Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE)

1. Details of the Applicant (person appealing the decision denying TUE)

Name	TITLE FIRST NAME SURNAME		
Postal Address	STREET		SUBURB
	CITY		
	POSTCODE		
Contact Person for this application			
Name	TITLE FIRST NAME SURNAME		
Position			
Telephone (Wk)		Mobile	
Facsimile (Wk)			
Email			

2. Details of Respondent (organisation whose decision to deny TUE is being appealed)

Note: the Respondent will usually be Drug Free Sport New Zealand

Name	TITLE FIRST NAME SURNAME		
Postal Address	STREET		SUBURB
	CITY		
	POSTCODE		
Telephone (Wk)		(Hm)	
Facsimile (Wk)		Mobile	
Email			

3. Details of Representative

Please insert the details of your legal representative or other person, if any, who will be representing the Applicant in these Proceedings.

Name of Representative	TITLE FIRST NAME SURNAME		
Firm/Company			
Postal Address	STREET		SUBURB
	CITY		
	POSTCODE		
Contact Person for this application			
Name	TITLE FIRST NAME SURNAME		
Position			
Telephone (Wk)		Mobile	
Facsimile (Wk)			
Email			

4. Interested Parties

Are there any other persons or organisations who or which may be directly affected by, or who has a sufficiently close interest in, the outcome of these Proceedings? If so please insert their contact details. Continue on a separate page if necessary.

Name	TITLE	FIRST NAME	SURNAME
Postal Address	STREET		SUBURB
	CITY		
	POSTCODE		

Contact Person (if an organisation)

Name	TITLE	FIRST NAME	SURNAME		
Position					
Telephone (Wk)			Mobile		
Facsimile (Wk)					
Email					

Reason person(s) may be affected or have a sufficiently close interest in outcome:

5. Jurisdiction

Specify the basis on which the appellant has a right to appeal the decision denying the TUE. (i.e. give details of the relevant rules or regulations which give a right of appeal to the Sports Tribunal. eg: Rule 15.4.1 of the Sports Anti-Doping Rules 2009. If there is some other jurisdictional basis for the right of appeal specify it).

6. Urgency

Are there grounds for suggesting this appeal should be heard on an urgent basis?

Yes No

If yes, please describe below the reasons why you consider there is urgency in hearing the appeal.

7. Decision being appealed

Please provide details of the decision which you are appealing against, including which committee or person within the Respondent made the decision, the date it was made, and the nature of the decision.

Please also attach a copy of the decision being appealed to this application.

8. Grounds of Appeal

Specify the grounds or reasons upon which you are appealing the decision denying the TUE and specify why or how you consider the decision of the Respondent was wrong or incorrect (continue on a separate page if necessary). Please also attach to this Notice of Appeal any statements of evidence from your witnesses (if any) and exhibits and documents which you intend to reply upon in this appeal.

9. Outcome Sought

Please specify the outcome you are seeking from the appeal.

Signed

Date

Filing and Service Instructions

1. This application should be signed and filed with the Registrar of the Sports Tribunal at the address given below.
2. The application should be accompanied by a copy of the applicable rules or regulations which give the Appellant jurisdiction to bring the appeal to the Sports Tribunal as well as a copy of the decision of the respondent denying the TUE which is being appealed against. Copies of all supporting documents upon which the Appellant relies (including witness statements) should also be attached to this application.
3. The Appellant is to serve a copy of this Application and attachments on the Respondent as soon as practical after the original has been filed with the Tribunal. After serving the documents on the Respondent, the Appellant is to complete and forward the Notice of Service (attached to this Form) to the Tribunal.

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Notice of Service

(to be attached to Form 10)

I,
hereby certify that on the day of 20

I served upon the Respondent named in the attached Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE) a true copy of the Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE) and supporting documents.

Attached hereto is a copy of the Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE) and supporting documents which I served on the Respondent. I have initialled each page of the Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE) and supporting documents as evidence that these are true copies of the documents so served.

Dated the day of 20

Signed

Notice to be Endorsed on Notice of Appeal From Decision Denying Therapeutic Use Exemption (TUE) Served on Respondent

To (Respondent)

Address

<input type="text"/>	<input type="text"/>
<input type="text"/>	
	<input type="text"/>

This is a copy of the Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE) filed by the Appellant with the Sports Tribunal.

You have seven working days from the date the Notice of Appeal From Decision Denying Therapeutic Use Exemption (TUE) is served on you to file a Statement of Defence To Appeal From Decision Denying Therapeutic Use Exemption (TUE) (Form 11) with the Sports Tribunal.

If you have questions regarding this matter, please contact the Registrar of the Sports Tribunal on 0800 55 66 80 or email on info@sportstribunal.org.nz.



Statement of Defence to Appeal from Decision Denying Therapeutic Use Exemption (TUE)

1. Parties

Name of Appellant	TITLE	FIRST NAME	SURNAME
Name of Respondent	TITLE	FIRST NAME	SURNAME

2. Response to Appeal

In response to the Appeal, the Respondent says that:

- (a) it does / does not (strike out as applicable) consider the Tribunal has jurisdiction to hear and determine this appeal, and if it does not, see its reasons specified below;
- (b) its response to the grounds of appeal stated in the Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE) are set out below.

3. Jurisdiction of Tribunal

The Respondent does not accept that the Tribunal has jurisdiction to hear and determine this appeal for the following reasons:

(Complete this section only if you object to the Tribunal's jurisdiction)

5. Signature of Respondent

The Respondent's representative may sign on behalf of it, and in so doing undertakes s/he has the authority to do so.

Name of Appellant	<input type="text" value="TITLE"/>	<input type="text" value="FIRST NAME"/>	<input type="text" value="SURNAME"/>
Name of Respondent	<input type="text" value="TITLE"/>	<input type="text" value="FIRST NAME"/>	<input type="text" value="SURNAME"/>
Date	<input type="text" value="DAY / MONTH / YEAR"/>		

Filing and Service Instructions

1. This Statement of Defence to Appeal from Decision Denying Therapeutic Use Exemption (TUE) should be signed and filed with the Registrar of the Sports Tribunal at the address given below within seven working days of the Respondent receiving the Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE).
2. The Statement of Defence to Appeal from Decision Denying Therapeutic Use Exemption (TUE) should be accompanied by copies of all documents upon which the Respondent relies.
3. The Respondent is to serve a copy of this Statement of Defence to Appeal from Decision Denying Therapeutic Use Exemption (TUE) and documents upon which the Respondent relies to the Appellant at the address shown on the Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE) at the same time as they are filed with the Tribunal. After serving the documents on the Appellant, the Respondent is to complete and forward the Notice of Service (attached to this Form) to the Tribunal.

The Registrar
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WELLINGTON

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Web: www.sportstribunal.org.nz

Notice of Service

(to be attached to Form 11)

I,

TITLE	FIRST NAME	SURNAME
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hereby certify that on the

DAY

 day of

MONTH

 20

YEAR

I served upon the Appellant, a true copy of the Statement of Defence to Appeal from Decision Denying Therapeutic Use Exemption (TUE) and supporting documents.

Attached hereto is a copy of the Statement of Defence to Appeal from Decision Denying Therapeutic Use Exemption (TUE) and supporting documents which I served on the Appellant. I have initialled each page of the Statement of Defence to Appeal from Decision Denying Therapeutic Use Exemption (TUE) and supporting documents as evidence that these are true copies of the documents so served.

Dated the

DAY

 day of

MONTH

 20

YEAR

Signed

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