[insert Sports Tribunal logo]

RULES

OF THE SPORTS TRIBUNAL

OF NEW ZEALAND

2027

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Please check Sports Tribunal website for any updates to the Rules of the Sports Tribunal

At the date of printing, these Rules of the Sports Tribunal are the Rules as amended on ~~3 September 2024~~1 January 2027. Please check the w~~W~~ebsite of the Sports Tribunal (www.sportstribunal.org.nz) for any amendments since the date of printing.

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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 was continued under its present name by section 29 of the Sports Anti-Doping Act 2006. The Tribunal's functions were extended by the introduction of the Integrity Sport and Recreation Act 2023, which amended and renamed the 2006 Act. Accordingly, t~~T~~he legislation currently providing for the continuance, membership, functions and procedure of the Tribunal is the Sports Tribunal Act 2006 (**the Act**).

Jurisdiction of Tribunal

2. The Tribunal's functions are described in section 38 of the Act. Section 39 of the Act provides that:

> **39 Procedure of Tribunal**
> (1) Except as provided in this Act, the Tribunal may determine its own practices and procedures for performing the Tribunal's functions under section 38(a) to (f).
> (2) However, in determining its own practices and procedures, the Tribunal must ensure that it complies with and implements the anti-doping rules, to the extent that the anti-doping rules are applicable.

The anti-doping rules referred to in section 39 are the rules made by the Sport Integrity Commission Te Kahu Raunui ~~Integrity Sport and Recreation Commission~~ under the Integrity Sport and Recreation Act 2023 in accordance with ~~S~~section 23 of the Act. As at 1 ~~July~~ January 2027~~4~~, the relevant rules are the Sports Anti-Doping Rules (2027~~4~~) (**the Anti-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~~ unanimous resolutions dated 17 April 2009, 31 August 2009, 1 March 2011, 6 March 2012, ~~and~~ 3 September 2024, and [insert new resolution date]. Subject to the transitional provisions referred to in rule 5 below, these amended Rules came into force on ~~3 September 2024~~1 January 2027. 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.

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Structure of these Rules

4. These Rules are divided into five 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, D and E.

   b. **Part B** applies to anti-doping rule 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 23 of the Integrity Sport and Recreation Act 2023 or any statutory amendment to that section.

   c. **Part C** applies to integrity code appeals brought in accordance with the provisions of section 38(aa-ac) of the Act.

   d. **Part D** applies to appeals against decisions of a national sport organisation or New Zealand Olympic Committee brought in accordance with the provisions of section 38(c) of the Act.

   e. **Part E** 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 Pproceeding commenced before the Tribunal before 31 December 2026 ~~3 September 2024~~ will be dealt with under the previous rules of the Tribunal as amended at 3 September 2024~~6 March 2012~~, unless all the parties to the Proceeding agree that these Rules shall apply.

6. These Rules may be amended from time to time by a unanimous resolution of the members of the Tribunal.

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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 Tribunal Act 2006.

The Anti-Doping Rules means rules for the time being in force made by the Commission under section 23 of the Integrity Sport and Recreation Act 2023 and, where applicable, can include the rules made by the previous anti-doping agency Drug Free Sport New Zealand prior to the establishment of the Commission.

The Commission means the ~~Integrity Sport and Recreation~~Sport Integrity Commission Te Kahu Raunui, a Crown entity established by the Integrity Sport and Recreation Act 2023.

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.

Disciplinary Panel means a panel established by the Commission in accordance with section 41 of the Integrity Sport and Recreation Act 2023.~~**The Doping Rules** means rules for the time being in force made by the Integrity Sport and Recreation Commission under section 23 of the Integrity Sport and Recreation Act 2023.~~

~~At 3 September 2024, they are the Sports Anti-Doping Rules 2024 made by the previous anti-doping agency Drug Free Sport New Zeal~~**Integrity Code** means a code made by the Commission under section 19 of the Integrity Sport and Recreation Act 2023.

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

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

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-level 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 rule violation application, an appeal, or a sports-related dispute brought under Parts B, C, D or E of the Rules.

Rules means these rules of the Sports Tribunal of New Zealand 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 NZ means the crown entity established under the Sport and Recreation New Zealand Act 2002. This entity was formerly known as Sport and Recreation New Zealand (SPARC) and is now known as

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Sport New Zealand (Sport NZ). ~~Sport and Recreation New Zealand.~~

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 and where appropriate will mean the panel appointed under Rule 10.

WADA means the World Anti-Doping Agency (WADA), ~~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.

WADA Code means the World Anti-Doping Code first adopted by WADA on 5 March 2003, and any subsequent amendments or replacements. As at 1 ~~July~~ January 2027~~4~~, the WADA Code in force was the WADA Code adopted by the WADA Agency Foundation Board which came into force on 1 January 2027~~1~~.

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~~the Chairperson's 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~~person appointing the panel, may comprise more or fewer than three members.

XX. The parties may challenge the appointment of a Tribunal member sitting on a panel on the grounds of conflict of interest. Any challenge must be made within seven (7) days after the grounds for the challenge become known to the party making the challenge. Any challenge shall be determined by the Chairperson or, where the challenge involves the Chairperson, a Deputy Chair, having regard to the principles set out in:

(a) *IBA Guidelines on Conflicts of Interest in International Arbitration* – as updated from time to time and available at: https://www.ibanet.org/resources; and

(b) *High Court Recusal Guidelines* – as updated from time to time and available at: https://www.courtsofnz.govt.nz/about-the-judiciary/judicialconduct/high-court-recusal-guidelines

Preliminary Matters and Pre-Hearing Conferences

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

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(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 virtual and will 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 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

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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 Anti-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 an 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 or where it deems it is in the best interests of the applicant.

PROCEEDING	FILING FEE (INCLUDES GST)
Application for anti-doping rule violation proceedings	Nil
Application for provisional suspension (anti-doping)	Nil

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Application to appeal a decision denying therapeutic use exemption (anti-doping)	Nil
Application to resolve dispute arising from application of an integrity code	$250 per party
Application to appeal decisions of a disciplinary panel established by the Commission or disciplinary body of an organisation that has adopted an integrity code	$500
Application to appeal decision of NSO or NZOC	$500
Application to resolve sports-related dispute by agreement	$250 per party

Registry

20. (a) The registry (office) of the Tribunal shall be situated at the offices of Sport 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 (~~preference is~~ filing by email) at the following:

Phone: 0800 55 66 80

Email: info@sportstribunal.org.nz

Website: www.sportstribunal.org.nz

Address: The Registrar, Sports Tribunal of New Zealand, PO Box 2251, Wellington 6140

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 or communicate in te reo Māori or New Zealand Sign Language.

(iii) Any person wishing to speak or communicate in te reo Māori or New Zealand Sign Language 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 te reo Māori or New Zealand Sign Language used 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, te reo Māori or New Zealand Sign Language, 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

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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 delivered in person.~~:~~ ~~t~~The Tribunal's preference is for filing ~~to be~~ by email.

(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 day;

(ii) if posted, then on the earlier of:

- the 5th day after the day on which it was posted; or
- the day on which it was received;

(iii) if transmitted by email, then on the day on which it was transmitted, unless such transmission commenced after 5.00 pm, in which case it shall be the next 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 email address 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~~under 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 and is bound by that Proceeding as if ~~the Minor~~they 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, Decision Publication, and Recordings

25. (a) Proceedings in anti-doping rule violation applications under Part B are private and confidential, save where the parties agree otherwise or the Anti-Doping Rules otherwise provide. The decision will be reported in accordance with the provisions of the Anti-Doping Rules and, unless the Anti-

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Doping Rules provide otherwise will be published by way of the decision being placed on the Tribunal website and through a media release.

(b) ~~A proceeding brought under either Part C, D or E 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, the Tribunal's decision will be released in the first instance to counsel and the parties only, and shall not be further published for 24 hours after the release of a decision. Publication will include a media release unless the Tribunal, in its discretion, decides otherwise; and the decision will be placed on the Tribunal website.~~Proceedings brought under Part C, D or E are private and confidential. The Tribunal may direct that a hearing be held in public if it considers that exceptional circumstances make this appropriate, or if the parties agree. Unless the Tribunal directs otherwise, a decision will be released initially to the parties and their counsel only and will not be published for 24 hours after its release. The decision will then be published on the Tribunal's website, subject to any redactions or anonymisation the Tribunal considers appropriate. Publication of the decision may be accompanied by a Tribunal media release.

~~(c) Substantive hearings are generally recorded by the Tribunal. The recording is held by the Tribunal for one month after the appeal period has lapsed and is then destroyed (as per the archiving guidelines). The recording is made to provide a transcript to any party involved in the proceedings who wishes to appeal against the decision of the Tribunal and who applies to the Tribunal following the lodgment of the statement of appeal with the Court of Arbitration for Sport.~~

(c) The following provisions apply to the recording and transcription of substantive hearings and pre-hearing conferences:

(i) Substantive hearings held virtually will be video recorded by the Tribunal. By attending or participating in a virtual substantive hearing, the parties and any other participants consent to the hearing being video recorded. The Tribunal may make such arrangements for the recording or transcription of an in-person substantive hearing as it considers appropriate.

(ii) Pre-hearing conferences will not be video recorded.

~~(ii)~~ The Tribunal may use artificial intelligence (AI) or other automated transcription technology to generate a transcript of a substantive hearing or a pre-hearing conference for the Tribunal's use. By attending or participating in a hearing or pre-hearing conference, the parties and any other participants consent to the creation of that transcript. An AI-generated transcript may contain errors or inaccuracies and is not an authoritative record of any hearing or pre-hearing conference.

(iii)

~~(iii)~~ A party who has lodged an appeal with the Court of Arbitration for Sport in relation to a Tribunal decision is entitled, on request, to receive a copy of any recording and transcript of the Proceeding for the purposes of the appeal. In any other circumstances, the Chair or Deputy Chair may authorise the release of any recording or transcript, or any part of it, to a party or any other person where they consider it appropriate in the interests of justice.

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(iv)

(v) The video recording of a substantive hearing will be retained by the Tribunal until one month after the expiry of any applicable appeal period and will then be destroyed in accordance with the Tribunal's archiving guidelines.

~~(v)~~(vi) The Chair or Deputy Chair may waive, vary or dispense with any procedure in this rule 24(c) where they consider it appropriate in the circumstances of the Proceeding.

Applicable Law

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

~~Pre-hearing conferences~~

~~27. The Chair at his or her discretion, will normally hold a pre-hearing conference for any proceeding before the Tribunal. The pre-hearing conference will be held to establish the issues the Tribunal must determine, the time tabling for any hearing for the proceedings, evidential issues and issues that either party may raise about the jurisdiction of the Tribunal to hear the matter or whether any party considers that the proceeding is time-barred. Pre-hearing conference rules for each type of case are specified in the relevant sections below; see rules 38, 44, 55 and 63.~~

Decisions

28. (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

29. (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 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.

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Costs

30. (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) The parties are encouraged to resolve the issue of costs between themselves as the Tribunal's usual approach is that costs will lie where they fall. If a party wishes to bring a costs application to the Tribunal this must be made within 14 days of the release of the final decision.

(c) Unless the Tribunal directs otherwise any costs awarded shall be paid within 21 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

31. (a) Subject to these Rules and the provisions of the Act and the Anti-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, in the interests of a just, speedy, and inexpensive disposition of the Proceeding, have jurisdiction to make any orders or give any directions.

Mediation

32. (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

33. (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

34. (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 sub clause (a) may be made on such terms as the Tribunal thinks fit.

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(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.

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PART B
ANTI-DOPING RULE VIOLATION PROCEEDINGS

Application of this Part

35. This Part B ~~of the Rules shall~~ appliesy to ~~the following Proceedings~~:

(a) any Proceeding brought before the Tribunal pursuant to the Anti-Doping Rules;

(b) any other anti-doping rule violation brought before the Tribunal under the provisions of the Act by the Commission or an NSO in accordance with a valid anti-doping policy contained in its rules or constitution.

Applicants

36. An application ~~for~~ in relation to an anti-doping rule violation Proceeding may be made to the Tribunal by either the Commission or an NSO or such other person or organisation as the Tribunal determines is entitled to bring such an application in accordance with the provisions of the WADA Code or the Anti-Doping Rules.

Procedure

37. (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 41 and Form 6 in relation to applications for provisional suspension.~~ The prescribed application forms for this Part B are:

(i) Form 1 – Application for Anti-Doping Rule Violation Proceedings; and

(ii) Form 10 – Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE)

(b) In accordance with ~~the provisions of~~ Rule 22, the applicant ~~shall~~ must ~~personally~~ serve by email a copy of the application on the respondent against whom the allegations are made and ~~shall~~ must 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 by email, 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,~~ In an anti-doping rule violation application brought by the Commission (Form 1), the respondent has the right to:

(i) defend the application; or

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(ii) admit the violation but request the right to participate in the hearing to make submissions as to the appropriate sanction.

~~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~~they 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 days from the date of service of the notice of application (Form 1). If a respondent does not file a notice of defence/participation within the seven day period, or such extended period as may be ordered by the Tribunal, the ~~athlete~~ respondent ~~will~~ may 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~~ respondent 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/the Commission shall have seven days to file its statement of defence (Form 11).

(f) In any anti-doping Proceeding before the Tribunal~~violation application brought by the Commission~~, the NSO of the athlete will automatically be joined as an Interested Party and the Commission will send to the head office of the NSO a copy of the application and all relevant documents.

Pre-Hearing Conference

38. The Tribunal will normally convene a pre-hearing conference which will ~~normally~~ be held within five working days of the respondent filing the notice of defence/participation. The conference will normally be conducted virtually, during which the Tribunal will fix the date of hearing, determine the type of hearing (which, in appropriate cases, may be a virtual hearing), 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

39. (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 Anti-Doping Rules and may order costs in accordance with section 47 of the Act. If the Anti-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 Anti-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 Anti-Doping Rules will apply.

(b) If the Tribunal determines that an anti-doping rule violation has been committed, the Tribunal may impose such sanctions as are permitted by the Anti-Doping Rules, unless the rules or constitution of the relevant NSO provide other sanctions, in which case the latter will be applied.

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Time of Proceeding

40. The Anti-Doping Rules provide that there shall be a fair hearing within a reasonable time by a fair, impartial and Operationally Independent hearing panel in compliance with the WADA Code and the International Standard for Results Management – refer Article 8.~~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~~ a timely reasoned decision within seven days of the conclusion of a hearing.

Provisional Suspensions

41. (a) The respondent/athlete may challenge a Provisional Suspension imposed by the Commission under the Anti-Doping Rules and apply to the Tribunal to have the Provisional Suspension lifted in accordance with those Anti-Doping Rules.

(b) An application to lift a Provisional Suspension must be made using Form 6 (Application to Lift Provisional Suspension). The respondent/athlete must file Form 6 with the Tribunal and serve a copy by email on the Commission and any interested party, including the NSO.

(c) The Tribunal will consider and determine the application to lift a Provisional Suspension urgently, in accordance with Article 7.4 of the Anti-Doping Rules (or any amended or replacement rule).

~~When the Tribunal receives a reference under the Doping Rules on the question of whether to impose a Provisional Suspension, the Tribunal will consider such question urgently in accordance with the provisions of Rule 7.4 of the Doping Rules (or any subsequent amended or replacement Rule to the said Rule 7.4).~~

~~(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 the Commission if it is not the applicant.~~

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PART C
INTEGRITY CODE PROCEEDINGS

Application of this Part

42. This Part C applies to:

(a) Disputes arising from the application of an ~~I~~integrity C~~c~~ode; and

(b) Appeals against a decision of a disciplinary panel under subpart 4 of Part 4 of the Integrity Sport and Recreation Act 2023; and

(c) Appeals against a decision of a disciplinary body established by an organisation that has adopted an integrity code.

(a) Disputes arising from application of an Integrity Code

Procedure

43. An application under this Part shall be commenced by the parties filing on the Tribunal's current prescribed application form (Form 12) 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

44. 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, manner and place of hearing; and

(e) such other directions as may be necessary to bring the matter to an expeditious hearing.

Determination

45. The Tribunal will determine the dispute arising from the application of an Integrity Code 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.

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(b) and (c) Appeals against decisions of a disciplinary panel established by the Commission or disciplinary body of an organisation that has adopted the Integrity Code

Grounds of Appeal

46. The grounds for an appeal shall 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) the decision-maker or decision-making body made an error of law;

(d) the decision-maker or decision-making body based its decision on erroneous or irrelevant information that was material to the decision reached;

(e) substantial new evidence became available after the decision, which is being appealed, was made;

(f) in the case of a decision relating to misconduct, the sanction was either excessive or inappropriate.

Procedure

47. (a) The appellant shall complete and file with the Tribunal, the Tribunal's notice of appeal (Form 13 for disciplinary panel of the Commission or Form 16 for disciplinary body of an organisation) and pay such filing fee prescribed by the Tribunal. Such notice of appeal shall be filed with the Tribunal within 28 days of the appellant being notified of the decision against which the appeal is made. A copy of the notice of appeal shall be served on the Commission or organisation (as the case may be) and the appellant will provide the Tribunal with proof of service.

(b) The appellant may, in the notice of appeal, or by separate letter, apply to have the decision appealed against or part of it suspended pending the hearing of the appeal (the suspension application). The Tribunal will urgently consider the suspension application and may adopt such procedure as it considers appropriate, which may not necessarily include holding a hearing. The Tribunal shall have an unfettered discretion as to whether it allows the suspension appeal.

(c) Within 10 days of filing the notice of appeal, the appellant will file and serve on the respondent, an appeal brief set out in Form 14 or 17 in the prescribed forms.

(d) Within 14 days of receiving the appeal brief, the respondent shall file and serve on the appellant, a statement of defence in the prescribed form (Form 15 or 18). 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.

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Pre-Hearing Conference

48. As soon as practicable after the filing of the statement of defence the Tribunal will convene a pre-hearing conference (see rule ~~27~~11) to make all necessary and appropriate directions to bring the matter to an early hearing. There may be more than one pre-hearing conference.

Hearing

49. 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

50. (a) The Tribunal shall have a discretion to admit new evidence and may rehear 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

51. The decision of the Tribunal shall be consistent with the relevant integrity code and the applicable constitution, rules or regulations of the Commission or organisation, 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.

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PART D
APPEAL PROCEEDINGS: SELECTION, DISCIPLINARY, AND OTHER DISPUTES

Application of this Part

52. This Part D applies to:

(a) appeals brought against a decision of an NSO or the NZOC (section 38(c) of the Act), including selection and disciplinary 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 an NSO or the NZOC.

Grounds of Appeal

53. 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) the decision-maker or decision-making body made an error of law;

(d) the decision-maker or decision-making body based its decision on erroneous or irrelevant information that was material to the decision reached;

(e) substantial new evidence became available after the decision, which is being appealed, was made;

(f) in the case of a decision relating to misconduct, the sanction was either excessive or inappropriate;

(g) 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.

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Procedure

54. (a) The appellant shall complete and file with the Tribunal, the Tribunal's notice of appeal (Form 3) and pay such filing fee (if any) 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 shall 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) The appellant may, in the notice of appeal, or by separate letter, apply to have the decision appealed against or part of it suspended pending the hearing of the appeal (the suspension application).

(c) The Tribunal will urgently consider the suspension application and may adopt such procedure as it considers appropriate, which may not necessarily include holding a hearing. The Tribunal shall have an unfettered discretion as to whether it allows the suspension appeal.

(d) Within 10 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.

(e) Within 14 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

55. As soon as practicable after the filing of the statement of defence the Tribunal will convene a pre-hearing conference (see rule ~~27~~11) 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

56. 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.

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Evidence

57. (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.~~

(i) the recording or transcript (if available) of the hearing at which the decision appealed from was made;

(ii) copies of any witness statements produced to that hearing; and

(iii) 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

58. (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 58(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) such other penalty as the Tribunal considers commensurate with the breach; and/or

(v) such combination of any of the above penalties as the Tribunal thinks fit.

Recommendation to Sport NZ

59. The Tribunal whether or not it allows or dismisses the appeal, may recommend to Sport and Recreation New Zealand (Sport NZ), 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.

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Selection Appeal

60. Rule 58 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.

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PART E
SPORTS-RELATED DISPUTES

Application of this Part

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

Procedure

62. 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

63. 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

63. 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.

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CONTACT INFORMATION

The Sports Tribunal's office is in Wellington.

Enquiries should be directed to the Registrar of the Sports Tribunal.

Documents for filing should be directed to the Registrar of the Sports Tribunal.

The Sports Tribunal's preference is for filing to be by email.

Contact details

Registrar

Sports Tribunal of New Zealand

Phone: 0800 55 66 80

Email: info@sportstribunal.org.nz

Website: www.sportstribunal.org.nz

Postal address for filing documents

Registrar

Sports Tribunal of New Zealand

PO Box 2251

Wellington 6140

Physical address for filing documents by courier

Registrar

Sports Tribunal of New Zealand Level 1, Harbour City Centre

29 Brandon Street

Wellington 6011

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FORMS

PART B – ANTI-DOPING RULE VIOLATION PROCEEDINGS

Form 1. Application for Anti-Doping Rule Violation Proceeding~~s~~

Form 2. Notice of Defence in Anti-Doping Violation Proceeding or Notice of Wish to Participate on Sanctions

Form 3~~6~~. Application ~~for~~ to Lift Provisional Suspension in Anti-Doping Rule Violation ~~Matter~~Proceeding

Form 4~~10~~. Notice of Appeal from Decision Denying Therapeutic Use Exemption (TUE)

Form 5~~11~~. Statement of Defence to Appeal from Decision Denying Therapeutic Use Exemption (TUE)

PART C – INTEGRITY CODE PROCEEDINGS

Form 6~~12~~. Application for resolution of dispute arising from application of an Integrity Code

Form 7~~13~~. Notice of Appeal against decision of a disciplinary panel

Form 8~~14~~. Appeal Brief (against Disciplinary Panel)

Form 9~~15~~. Statement of Defence to Appeal against a decision of a disciplinary panel

Form 10~~16~~. Notice of Appeal against a decision of a disciplinary body that has adopted an Integrity Code

Form ~~17~~11. Appeal Brief (against Disciplinary Body)

Form ~~18~~12. Statement of Defence to Appeal against a decision of a disciplinary body

PART D – APPEAL PROCEEDINGS: SELECTION, DISCIPLINARY, AND OTHER DISPUTES

Form 13~~3~~. Notice of Appeal (Selection, Disciplinary, and Other Appeals)

Form 14~~4~~. Appeal Brief

Form 15~~5~~. Statement of Defence to Appeal

PART E – SPORTS-RELATED DISPUTE

Form 16~~9~~. Application for Resolution of Sports-Related Dispute

INTERESTED PARTY

Form 17~~7~~. Notice to Interested Party

Form 18~~8~~. Notice from Interested Party

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