



POLICY

SPORTING BODY POLICY

POLICY FOR SPECIFYING A BODY OR ORGANISATION FOR THE PURPOSES OF THE DEFINITION OF 'SPORTING BODY' UNDER THE *NATIONAL SPORTS TRIBUNAL ACT 2019*

Policy Purpose and Intent

This Sporting Body Policy (**the Policy**) sets out the principles to be applied, and the relevant considerations that the CEO of the National Sports Tribunal (**the NST**) will take into account when exercising their power under s 5(3) of the *National Sports Tribunal Act 2019* (the NST Act) to specify a body or organisation for the purposes of the definition of 'sporting body' in s 5(1) of the NST Act.

A key element of the NST's jurisdiction is that a dispute must involve a 'sporting body' as a party.

Organisations that fall within the meaning of 'national sporting organisation' as defined by section 5 of the NST Act naturally fall within the definition of 'sporting body' (see paragraph (a) of the definition of 'sporting body' in section 5 of the NST Act). Accordingly, this policy does not apply to those organisations.

The effect of specifying a body or organisation for the purposes of the definition of 'sporting body' is to enable a body or organisation that does not fall within the meaning of 'national sporting organisation' to nevertheless fall within the meaning of 'sporting body' for the purposes of the operation of the NST Act.

Once specified, such a body or organisation (and its participants) will have access to the jurisdiction of the NST for the resolution of eligible disputes.

General Principles

Application of the Policy

The Policy will be applied in two ways:

1. in the specification of a category or categories of bodies or organisations for the purposes of dealing with particular types of disputes, or access to a specific Division of the NST; and
2. in the specification of particular bodies or organisations for the purposes of facilitating access to the jurisdiction of the NST generally.



CEO's exercise of power to specify

The CEO's exercise of the power to specify a body or organisation for the purposes of the definition of 'sporting body' will be at the discretion of the CEO. Generally, the CEO will exercise the power:

- at their own instigation, usually following consultation with the body or organisation involved; or
- at request from a body or organisation.

Relevant Considerations

The types of disputes that the NST deals with fall into two broad categories: anti-doping disputes, and general sport-related disputes. The relevant considerations that the CEO will take into account when exercising their power to specify a body or organisation, or category of bodies or organisations, differs between these categories of dispute.

Specifying bodies or organisations for anti-doping disputes

SIA approved anti-doping policy

For the NST to have jurisdiction to deal with an anti-doping dispute, the dispute must arise under an anti-doping policy that has been approved by the CEO of Sport Integrity Australia (SIA).

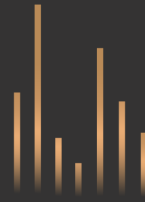
The CEO of SIA has approved anti-doping policies for bodies or organisations that do not meet the definition of national sporting organisation. It is considered appropriate however, given the seriousness of anti-doping violations and the otherwise nationally focussed nature of anti-doping regulation that any dispute arising under an anti-doping policy approved by the CEO of SIA should be capable of resolution by the NST.

Accordingly, the principal consideration for the specification of bodies or organisations for the purposes of dealing with anti-doping disputes is that the body or organisation has an anti-doping policy approved by the CEO of SIA.

Specifying bodies or organisations for general sport-related disputes

National responsibility for sport

The primary considerations for specifying a body or organisation for general sport-related disputes are that the body or organisation is responsible for the administration of sport and is of a national character. This is consistent with the national character of the NST and respects the hierarchy of the organisation of sport in Australia which is designed to ensure that at a national level there is consistency, but allowing for different local considerations and policies to be taken into account at state or club level.



The factors taken into account by the CEO in exercising their power to specify a body or organisation for general sport-related disputes include whether the body or organisation:

- is the pre-eminent organisation taking responsibility for the administration and development of the sport (or sports) in Australia and is accountable at the national level for providing its members with technically and ethically sound sports programs, policies and services;
- can demonstrate it has a national remit for the sport through active members or affiliate bodies working in cohesion and adhering to a strategic direction set by the national organisation;
- is accountable at the national level for establishing and enforcing the key policies that underpin integrity in their sport, including a current policy for harassment, discrimination, bullying, abuse, 'child safe' and complaints;
- organises or administers the affairs of one or more sports or sporting events, at a national level;
- accredits people to take part in sporting competitions at a national level; or
- trains, selects or provides finance for national teams to take part in international sporting competitions.



RELEVANT LEGISLATION

National Sports Tribunal Act 2019

5 Definitions

(1) In this Act:

sporting body means:

- (a) a national sporting organisation for a particular sport; or
- (b) a body or organisation specified in an instrument under subsection (3).

national sporting organisation, for a particular sport, means:

- (a) a sporting organisation that is recognised by the International Sporting Federation that has international control over the sport as being the organisation responsible for administering the affairs of the sport, or of a substantial part or section of the sport, in Australia; or
- (b) whether or not there is an International Sporting Federation that has international control over the sport—a sporting organisation that is recognised by the Australian Sports Commission as being responsible for administering the affairs of the sport, or of a substantial part or section of the sport, in Australia.

(3) The CEO may, by notifiable instrument, specify a body or organisation for the purposes of paragraph (b) of the definition of *sporting body* in subsection (1).

Note: For specification by class, see subsection 13(3) of the *Legislation Act 2003*.