



TERMS OF REFERENCE

NATIONAL SPORTS TRIBUNAL LEGAL ASSISTANCE PANEL

Purpose

The National Sports Tribunal Legal Assistance Panel (NSTLAP) has been established consistent with the obligation of the National Sports Tribunal (NST) CEO under section 52(2)(e) of the *National Sports Tribunal Act 2019* to maintain ‘a panel of legal practitioners who are willing to provide free legal assistance to the parties or participants in relation to a dispute before the Tribunal’.

The NSTLAP is available to parties (or participants in alternative dispute resolution) with a matter currently before, or with a clear intention to bring a matter before the NST. Details of practitioners appointed to the NSTLAP will be provided to a party on request. It is the responsibility of the party to contact their preferred practitioner and negotiate the arrangements. In appropriate circumstances, the NST may contact NSTLAP practitioners on behalf of a party to make an introduction.

Practitioners on the NSTLAP must consider all requests to provide *pro bono* or substantially discounted advice but reserve the right to decline a request where it would not be reasonably practicable.

Roles and Responsibilities

Legal practitioners who have applied to be listed on the NSTLAP and are appointed by the NST CEO agree to:

- Consider all requests for legal assistance from parties who have made an application, or are intending to apply, to have their dispute resolved by the NST, and agree to provide such assistance *pro bono* or at a substantially discounted rate where reasonably practicable;
- In particular, consider favourably requests made by parties who have had the application fee and/or service fees waived by the NST CEO due to financial hardship; and
- Maintain a legal practicing certificate and notify the NST immediately should a practicing certificate lapse or be withdrawn.

Assistance may include summary advice and/or representation in relation to athlete eligibility, selection, disciplinary, anti-doping, and other sport related matters accepted as valid by the NST.



Criteria for appointment to the NSTLAP

Practitioners listed on the NSTLAP are required to:

- Hold an unrestricted legal practicing certificate in Australia;
- Have experience or interest in sports law in Australia;
- Have experience in providing advice or representation in comparable arbitration, mediation, or conciliation processes; and
- Show willingness to provide legal assistance in matters before the NST.

NSTLAP practitioners are not required to make any fixed time commitment beyond making reasonable efforts to be available to offer advice and assistance when asked to do so. However, the NST will take note of instances where a party assessed as facing financial hardship for the purposes of granting a waiver of fees and charges is refused a request for legal assistance due to financial reasons. In these circumstances, the NST may review a practitioner's inclusion on the NSTLAP.

Arrangement – Practitioner and the Party

Arrangements for providing legal assistance are negotiated and managed by and between the practitioner and the party.

The NST maintains the NSTLAP list and may, upon request, put individuals in touch with relevant practitioners or contact NSTLAP practitioners on behalf of a party for an introduction. However the NST accepts no responsibility for any advice given or arrangement made between a party and the practitioner.

If parties feel they have witnessed or experienced inappropriate activity or misconduct from a practitioner, they can report this to the NST. In these circumstances the practitioner's inclusion on the NSTLAP may be re-assessed. If it is warranted, the conduct may be reported to the relevant complaints handling body for the practitioner.

Membership

Practitioners may gain membership to the NSTLAP through an expression of interest. The NST CEO will consider all expressions of interest and confirm or otherwise membership on the panel.

Membership of the NSTLAP is reviewed regularly. The NST Registry will engage with parties who have received the NSTLAP list, seeking their feedback on interactions with practitioners and overall experience.

The NST Registry maintains the right to remove practitioners from the NSTLAP for reasons relating to qualifications, behaviour, availability to provide services, or other issues relating to the appropriateness of their membership on the NSTLAP.