

Tribunal Appointment and Procedure Policy

Australian Fencing Federation Limited ACN 161 544 752 (**AFF**)

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Table of Contents

1.	Purpose of this Policy	1
2.	To whom does this Policy apply?	1
3.	Application for Review or Referral.....	2
4.	Formation of Tribunal	2
5.	NST Proceedings in the General Division (first instance)	3
6.	Formation of AFF Tribunal	3
7.	Responsibilities of AFF Tribunal Chairperson.....	4
8.	Resignation and Removal of AFF Tribunal Members	4
9.	Pre-hearing Procedures for AFF Tribunals	4
10.	Effect of Original Decision	5
11.	Notice of Withdrawal from AFF Tribunal Proceedings	5
12.	AFF Tribunal hearing	6
13.	AFF Tribunal procedure	7
14.	Role of Chairperson and Tribunal members at AFF Tribunal hearing	8
15.	AFF Tribunal decision	8
16.	Application Fees and Other Charges	9
17.	Appeal Procedure.....	9
18.	Appeal Tribunal Decision Binding	10
19.	Right of Appeal to Court of Arbitration for Sport	11
20.	Substitution of authorised person.....	11
21.	Definitions and interpretations.....	11

1. Purpose of this Policy

- (a) The objective of the AFF, in adopting this Policy, is to establish a procedure by which:
 - (1) a Tribunal may be established or convened to hear a Referral or review decisions made by:
 - (A) the AFF or a committee of the AFF; or
 - (B) a Member State, Affiliate Member or committee of a Member State or Affiliate Member, which the AFF Board has referred to a Tribunal for hearing;

regarding an allegation or complaint against another person; and
 - (2) an Appeal Tribunal may be established to hear an Appeal from a decision of a Tribunal.
- (b) This Policy was approved by the AFF Board on 11 July 2021. Subject to the requirements of the Constitution, this Policy is effective from 15 August 2021 and will operate until amended, repealed or replaced in accordance with the provisions of the AFF Constitution.

2. To whom does this Policy apply?

- (a) All AFF Members, Participants and other persons to whom an AFF Policy applies are subject to, and submit unreservedly to, the jurisdiction, procedures, penalties and appeal mechanisms of the AFF under AFF Policies and, in respect of AFF Members, the AFF Constitution.
- (b) This Policy applies to anyone involved in the sport of fencing in Australia including (but not limited to) the following individuals and organisations participating in AFF events and activities, regardless of whether they are acting in a paid or unpaid/voluntary capacity:
 - (1) the AFF;
 - (2) individuals appointed or elected to the AFF's board, commissions, committees and working groups;
 - (3) employees, independent contractors and volunteers of the AFF;
 - (4) Participants;
 - (5) support personnel (including without limitation managers, physiotherapists, psychologists, masseurs and sport trainers) appointed to or selected to AFF teams of squads, competitions, tours, camps, training sessions or other events, held, sanctioned or otherwise supported by the AFF;;
 - (6) referees, tournament management personnel and other Officials participating or otherwise involved in in AFF events and activities;
 - (7) coaches and assistant coaches;
 - (8) other personnel participating or otherwise involved in AFF events and activities, including without limitation tours, camps and training sessions, held, sanctioned or otherwise supported by the AFF;

- (9) Members of the AFF (including Member States, Affiliate Members and Life Members) and their members;
 - (10) any other organisations affiliated with the AFF or a Member State; and
 - (11) any other person including parents, guardians, spectators and sponsors to the full extent that is possible, including where such person agrees in writing (whether on a ticket, entry form or otherwise) to be bound by this Policy.
- (c) Under clause 20.1 of the AFF Constitution, the AFF Board may from time to time make policies that are required to be made under the AFF Constitution or which in their opinion are necessary or desirable for the control, administration and management of the AFF's affairs. This Policy is made pursuant to clause 20.1 of the AFF Constitution and is binding on all AFF Members pursuant to clause 20.2 of the AFF Constitution, and applies to other AFF policies as made or amended from time to time.

3. Application for Review or Referral

- (a) A person who is aggrieved by a decision made by the AFF, a Member State or Affiliate Member or their authorised delegate or committee established by any one of those bodies (**Original Decision**) and has a right of review of that Original Decision pursuant to an AFF Policy may make an Application for Review in respect of the Original Decision.
- (b) An Application for Review should be completed in the prescribed form set out in Schedule 1 and lodged with the AFF by email to the AFF President at president@fencing.org.au within the timeframe specified in any relevant AFF Policy or in any event no later than 28 days after the Original Decision was issued.
- (c) A Complainant or Respondent may seek an extension of time to lodge an Application for Review, provided any request for an extension is made before the relevant date under paragraph (b). Any request for an extension will be considered by the AFF President and may be granted for such period as the AFF President considers appropriate or refused in his or her sole discretion. A decision by the AFF President to refuse to grant an extension of time will be final and binding.
- (d) Upon lodging an Application for Review the Applicant must pay a fee of \$1,000 to the AFF for the costs of the Application for Review by electronic funds transfer to the AFF Bank Account, which will be dealt with in accordance with clause 16 (**Application Fee**).
- (e) A Referral should be completed in the prescribed form set out in Schedule 3 and lodged with the AFF by email to the AFF President at president@fencing.org.au.

4. Formation of Tribunal

- (a) A Tribunal will be convened to hear an Application for Review or Referral that has been referred to the AFF. The National Sports Tribunal (NST) may be such a Tribunal for the purposes of this clause and of this Policy.
- (b) On receipt by the AFF President of an Application for Review or Referral, he or she will promptly:
 - (1) if an NST Eligible Matter, refer the Application for Review or Referral to the NST General Division (see Part 5 below) and pay the Application Fee;
 - (2) if neither an NST Eligible or NST Excluded Matter, apply to the NST CEO for approval for the matter to be arbitrated in the NST General Division, failing which it must be dealt with under (3); or

- (3) provide a copy of the Application for Review or Referral to the AFF Board which will then in its discretion appoint a minimum of three (3) and maximum of five (5) persons (including the Chairperson) (**Tribunal Members**) to constitute a tribunal to hear and determine the Application for Review or Referral (**Internal Tribunal**).

5. NST Proceedings in the General Division (first instance)

- (a) The procedure for an arbitration in the NST will be in accordance with the NST Legislation.
- (b) The following clauses will apply in proceedings before the NST, as for AFF Tribunals:
 - (1) Clause 10 – Effect of Original Decision
- (c) The parties to a proceeding before the NST may be (as necessary and appropriate):
 - (1) AFF;
 - (2) In an Application for Review, the person aggrieved, Applicant, Complainant and/or Respondent as referred to under Clause 3 (a) to (d) of this policy;
 - (3) In a Referral under clause 3(e), the Parties referred to in the Referral form as prescribed in Schedule 3
 - (4) The AFF Committee, Member State, Affiliate Member or committee of a Member State or Affiliate Member, which has made the decision under review which the AFF Board has referred to a Tribunal for hearing; and
 - (5) Any other person who may have a relevant interest in the dispute at the discretion of the NST Member.
- (d) The NST will have the power to, as it considers appropriate:
 - (1) repeal the Original Decision and substitute a decision for that of the Original Decision-Maker;
 - (2) impose any sanction or disciplinary measure provided for under an AFF Policy; or
 - (3) refer the decision the subject of an Application for Review back to the Original Decision-Maker for determination in accordance with the applicable AFF Policy.

6. Formation of AFF Tribunal

- (a) Where required under clause 4(b)(3) a Tribunal will be established to hear an Application for Review or Referral that has been referred to the AFF.
- (b) The Tribunal Members will be appointed by the Board and will consist of:
 - (1) at least one (1) Australian legal practitioner with not less than five years post-admission experience;
 - (2) at least one (1) independent person (who may also be the Australian legal practitioner appointed pursuant to clause 4(c)(1) above); and
 - (3) such other persons selected by the AFF Board in its discretion.
- (c) AFF Tribunal Members are not required to have participated in the sport of fencing or have any association with the sport of fencing.

- (d) The Tribunal will not appoint any person as a Tribunal Member who has any actual or perceived conflict of interest or bias regarding the matter the subject of an Application for Review or Referral.
- (e) Subject to any Tribunal Member being ineligible or unable to hear the matter in question, the AFF Board will endeavour to appoint a barrister or solicitor to act as Chairperson of the Tribunal.
- (f) No Tribunal proceeding will be invalidated by any irregularity in the appointment of a Tribunal Member.

7. Responsibilities of AFF Tribunal Chairperson

Without limiting the responsibilities of the Chairperson, a person appointed to the position of Chairperson will have the following responsibilities:

- (a) ensuring accurate records are kept of all of the Tribunal's proceedings and decisions and to make such records available to the AFF upon request;
- (b) communicating to the AFF the results of hearings of the Tribunal;
- (c) chairing hearings of the Tribunal or ensuring that such task is delegated to a Tribunal Member; and
- (d) raising with any proposed Tribunal Member any potential or possible conflict of interest which may arise from time to time.

8. Resignation and Removal of AFF Tribunal Members

- (a) A Tribunal Member may resign from a Tribunal by providing notice in writing to the AFF Board.
- (b) The AFF Board may remove a Tribunal Member at any time in its absolute discretion and appoint a replacement Tribunal Member in the outgoing Tribunal Member's place.

9. Pre-hearing Procedures for AFF Tribunals

- (a) On request from the Tribunal, the Original Decision-Maker or AFF Committee (as applicable) must provide the Tribunal with a copy of all the relevant correspondence, reports or information received and sent relating to the decision the subject of an Application for Review or Referral.
- (b) The Tribunal hearing will be held as soon as practicable but must allow adequate time for the Applicant and Respondent or AFF Committee and Complainant (as applicable) to prepare their case for the hearing.
- (c) The Tribunal hearing will be held in the State or Territory advised or approved by the Tribunal.
- (d) The AFF will provide reasonable assistance to the Tribunal to convene the Tribunal hearing, including arranging premises for the hearing to take place and transport and accommodation for Tribunal members, if necessary.
- (e) The Chairperson will inform each of the parties to the Application for Review or Referral in writing that a Tribunal hearing will take place. The notice will outline the following:
 - (1) that the person is summoned to appear at the Tribunal hearing;
 - (2) the date, time and venue of the Tribunal hearing;

- (3) that the party can make verbal and/or written submissions that can be presented to the Tribunal;
 - (4) that they may request for witnesses to attend the Tribunal hearing in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal); and
 - (5) that legal representation will not be allowed, but they may have a support person (who may have legal qualifications or training) attend the Tribunal hearing (on the basis that such support person will act as an observer and not address the Tribunal).
- (f) A copy of any information or documents given to the Tribunal will also be provided to the parties.
 - (g) A party or witness to a Tribunal hearing who is under the age of 18 years, or otherwise unable to represent him or herself, has the right to have an adult (not being an appointed legal practitioner) with or for them at the Tribunal hearing, as an adviser, and the adviser will be allowed to ask questions.

10. Effect of Original Decision

- (a) Subject to this clause, an Original Decision will remain in full force and effect pending the outcome of an Application for Review.
- (b) The NST or AFF Tribunal may of its own motion or upon application of any party to an Application for Review, order a stay of execution of any penalty or order imposed by the Original Decision-Maker pending the determination of the Application for Review.
- (c) The NST or AFF Tribunal will only make an order under paragraph (b) where it is satisfied that there are exceptional and compelling circumstances that make it harsh and unconscionable if an appropriate order was not made. In determining that question, the Tribunal will without limitation have regard to:
 - (1) the merits of the Application for Review and the Applicant's prospects of success;
 - (2) if applicable:
 - (A) the interests of other competitors; and
 - (B) the effects on the results of any competition; and
 - (C) the need to permit the due and proper administration of AFF events and activities in accordance with the AFF Constitution and AFF Policies.

11. Notice of Withdrawal from AFF Tribunal Proceedings

- (a) An Application for Review may not be amended by an Applicant after it is submitted in accordance with this Policy, except with the consent of the Tribunal.
- (b) At any time prior to the hearing of an Application for Review, the Applicant may withdraw the Application for Review by lodging with the Tribunal Chairperson (or AFF President where a Tribunal is not yet convened) a Notice of Withdrawal, whereby the Application for Review will be finally concluded and the Application Fee forfeited.
- (c) At any time prior to the hearing of a Referral, the applicable AFF Committee may withdraw the Referral by lodging with the Tribunal Chairperson (or AFF President where a Tribunal is not yet convened) a Notice of Withdrawal, whereby the Referral will be dismissed.

12. AFF Tribunal hearing

12.1 Communications

- (a) All communications (other than during the course of an Interview or the Tribunal hearing) between the parties and the Tribunal must be transmitted through the Chairperson or his or her authorised delegate.
- (b) The parties and any other person to whom this Policy applies and who is summoned to appear before the Tribunal will appear before the Tribunal at the date, time and place fixed for the hearing of the Application for Review or Referral.
- (c) The Chairperson may defer a Tribunal hearing or excuse a person from appearing before the Tribunal if the Chairperson is of the opinion that the person is suffering from an injury or medical condition that would prevent that person's attendance.
- (d) Unless there are extraordinary circumstances acceptable to the Tribunal, where an Applicant fails to attend before the Tribunal his or her Application for Review will be deemed to have been abandoned. The determination in this regard by the Tribunal will be final and binding.
- (e) The following people will be allowed to attend the Tribunal hearing:
 - (1) Tribunal Members;
 - (2) the Applicant/a representative of the AFF Committee;
 - (3) the Respondent/Complainant;
 - (4) any representative of the AFF;
 - (5) a representative of the Original Decision-Maker;
 - (6) any witnesses called by the AFF;
 - (7) any witnesses called by the Applicant;
 - (8) any witnesses called by the Respondent; and
 - (9) any parent/guardian or support person required to support the Applicant, Respondent or any witness.

12.2 Adjournment and failure to appear

- (a) The Tribunal may of its own motion or upon application of any party to the Tribunal hearing adjourn the hearing of the Application for Review or Referral.
- (b) The Tribunal may proceed to hear and determine a matter notwithstanding the failure of any party to attend a hearing.
- (c) If the Tribunal considers that there is a valid reason for the non-attendance of a party, or the Tribunal does not believe the notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
- (d) If the Chairperson wishes to reschedule the Tribunal hearing date, the Chairperson will arrange for the Tribunal to be reconvened in consultation with the parties as to their availability.

13. AFF Tribunal procedure

- (a) The hearing of an Application for Review or Referral before a Tribunal will be:
 - (1) inquisitorial in nature;
 - (2) conducted with as little formality and technicality and with as much expedition as the proper consideration of the Application for Review or Referral permits; and
 - (3) to the extent permitted by law, confidential.
- (b) The Tribunal must:
 - (1) provide any person whose interest will be directly and adversely affected by its decision a reasonable opportunity to be heard; and
 - (2) hear and determine the Application for Review or Referral before it:
 - (A) fairly and in an unbiased manner; and
 - (B) giving due consideration to the Constitution and all relevant AFF Policies.
- (c) The Application for Review or Referral will be decided in accordance with the laws applicable in the State of New South Wales, unless otherwise agreed by all parties in writing.
- (d) Subject to the Constitution:
 - (1) any procedure or requirement regulating the function of the Tribunal is directory in nature and any decision of the Tribunal is not invalid by reason of that procedure or requirement not being fulfilled; and
 - (2) the Tribunal may regulate any proceedings brought before it in such manner as it thinks fit.
- (e) The Tribunal is not bound by the rules of evidence or by practices and procedures applicable to courts of record, but may inform itself as to any matter in such manner as it thinks fit.
- (f) Each matter before the Tribunal will be dealt with as a new hearing. The Tribunal will reach its own decision regarding the matter irrespective of the Original Decision in respect of which the Application for Review may be made.
- (g) The standard of proof in all Applications for Review or Referral heard by the Tribunal will be the balance of probabilities.
- (h) Each party to a hearing before the Tribunal will bear their own costs of and incidental to the hearing, including the cost of witnesses, experts and interpreters (as applicable) relied on by that party.
- (i) The Tribunal may:
 - (1) consider any evidence, and in any form, that it deems relevant;
 - (2) ask questions of any person giving evidence;
 - (3) limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);

- (4) require (to the extent it has power to do so) the attendance of any witness it deems relevant; and act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
- (j) The Applicant and Respondent in any Application for Review before the Tribunal have the right to present submissions and evidence, including the right to call and cross examine witnesses and bear the onus of showing that the Application for Review should be decided in his or her favour.
- (k) The AFF Committee representative and Complainant in any Referral before the Tribunal have the right to present submissions and evidence, including the right to call and cross examine witnesses.
- (l) All parties may be present when evidence is presented to the Tribunal hearing. The Tribunal may allow attendance by video or audio. Witnesses may be asked to wait outside the hearing until they are required.
- (m) Evidence, if available, may be presented. Arrangements for the presentation and viewing of this evidence must be made entirely by and at the cost of the person wishing to offer this type of evidence.
- (n) If the Tribunal considers that at any time during the Tribunal hearing there is any unreasonable or intimidatory behaviour from any person present at the Tribunal hearing, the Chairperson may deny further involvement of that person in the hearing.
- (o) The Chairperson may adjourn a Tribunal hearing should, in the opinion of the Chairperson, the need arise.
- (p) The Tribunal must not incur any costs or expenses without the prior consent of the AFF President.

14. Role of Chairperson and Tribunal members at AFF Tribunal hearing

- (a) In every case, it will be the Chairperson's task to decide every question of law, evidence and procedure.
- (b) The Chairperson will in his or her absolute discretion give such instructions or directions and he or she thinks fit to the Tribunal as to matters of law, evidence and procedure.
- (c) The Chairperson may give whatever directions and make all such orders, as he or she in his or her absolute discretion deems fit, for the conduct, expedition and resolution of matters heard by the Tribunal.
- (d) In every matter before the Tribunal, it is the task of the Tribunal, comprising the Tribunal Members (including the Chairperson) to decide every question of fact.

15. AFF Tribunal decision

- (a) After all the evidence has been presented, the Tribunal will make its decision in private (**Tribunal Decision**). The Tribunal must:
 - (1) decide whether the Application for Review has, on the balance of probabilities, been substantiated; or
 - (2) make a determination in respect of the Referral, as applicable.

- (b) All Tribunal Decisions will be by majority vote. Where there is an equality of votes, the Chairperson will have a casting vote.
- (c) Subject to paragraph 15(g), the Tribunal will give its decision as soon as practicable after the hearing of the Application for Review or Referral. Where the Original Decision concerns the selection or non-selection of the Applicant for national representation, the Application for Review must be concluded before the date and time which may be imposed by the event organising body or the AFF Board (whichever occurs first) for the selection of the fencer(s) the subject of the Application for Review.
- (d) The Chairperson of the Tribunal will provide all parties with a copy of the Tribunal Decision. A copy will also be provided to the Original Decision-Maker (if it is not a party).
- (e) The Tribunal may but is not obliged to provide written reasons for the Tribunal Decision.
- (f) The Tribunal will have the power to, as it considers appropriate:
 - (1) repeal the Original Decision and substitute the Tribunal Decision for that of the Original Decision-Maker;
 - (2) impose any sanction or disciplinary measure provided for under an AFF Policy; or
 - (3) refer the decision the subject of an Application for Review back to the Original Decision-Maker for determination in accordance with the applicable AFF Policy.
- (g) The Applicant or Respondent (as the case may require) will have the opportunity to make submissions to the Tribunal in relation to any sanction or disciplinary measure that may be imposed.

16. Application Fees and Other Charges

- (a) In NST Proceedings (General Division and Appeals Division):
 - (1) Where the NST upholds an Application for Review, the AFF will refund the Application Fee to the applicant, and pay any NST Service Charges payable to the NST at the conclusion of the matter.
 - (2) Where the NST dismisses an Application for Review, the Application Fee will not be refunded, and NST Service Charges will be apportioned evenly between the parties. Alternatively, the AFF may determine at its absolute discretion to contribute a greater portion of Service Charges, and/or refund the Application Fee.
- (b) In AFF Tribunal Proceedings:
 - (1) Where an AFF Tribunal upholds an Application for Review, the Application Fee will be refunded to the Applicant.
 - (2) Where an AFF Tribunal dismisses an Application for Review, it may determine in its absolute discretion that none, all or part of the Application Fee will be refunded to the Applicant.

17. Appeal Procedure

- (a) A party to a decision of the General Division of the NST, or an AFF Tribunal Decision may lodge with the AFF an Appeal from that Decision on one or more of the following grounds:

- (1) that a denial of natural justice has occurred;
 - (2) that the disciplinary measures imposed are unjust and/or unreasonable; or
 - (3) that the decision was not supported by the information/evidence provided at the Tribunal hearing.
- (b) A person wanting to appeal a decision of the NST General Division or AFF Tribunal pursuant to clause 17(a) must lodge a Notice of Appeal briefly setting out the grounds for the Appeal with the AFF President, within 72 hours of receiving the decision either pursuant to the NST Legislation or under clause 15(c) of this Policy.
- (c) A fee of \$2,500 must be paid by the Appellant (unless the Appellant is an AFF Committee or the AFF Board) upon lodging a Notice of Appeal, by electronic funds transfer to the AFF Bank Account (**Appeal Fee**).
- (d) If the Notice of Appeal is not received by the AFF President within the time prescribed in paragraph (b) of this clause, the right of appeal will lapse. If the Notice of Appeal is received but the Appeal Fee (or evidence that it has been paid) is not received within this time, the Appeal will also lapse.
- (e) If the Notice of Appeal is received by the AFF President within the time prescribed in paragraph (b) of this clause:
- (1) If the decision under appeal was made by the General Division of the NST, the AFF President will arrange for an application for Appeal to be filed with the NST Appeals Division, and the application fee to be paid.
 - (2) Proceedings in the NST Appeals Division will proceed in accordance with the NST Legislation.
 - (3) If the decision under appeal is a decision of an AFF Tribunal, an AFF Appeals Tribunal with new Tribunal Members will be convened (on the same basis as set out in clause 4 of this Policy and with the same powers as the Tribunal who heard the Application for Review) to determine whether the grounds of the Appeal are made out, and:
 - (A) Clauses 4 to 16 of this Policy will be followed for the Appeal Tribunal as though references to:
 - (i) “Applicant” or “AFF Committee” will be read as “Appellant”; and
 - (ii) “Application Fee” will be read as “Appeal Fee”.
 - (iii) “Application for Review” or “Referral” (as applicable) will be read as “Appeal”;
 - (iv) “Tribunal” will be read as “Appeal Tribunal”; and
 - (v) “Tribunal Decision” will be read as “Appeal Tribunal Decision”.

18. Appeal Tribunal Decision Binding

Subject to clause 19 below, a decision of the AFF Appeal Tribunal or the Appeals Division of the NST will be final and conclusive, be binding upon, and must be given effect to by the parties to the Appeal.

19. Right of Appeal to Court of Arbitration for Sport

- (a) A party may only appeal an Appeal Tribunal Decision in respect of nomination of a fencer for selection in an Australian Olympic Team to the Court of Arbitration for Sport.
- (b) In respect of an appeal to the Court of Arbitration of Sport, the fencer must:
 - (1) give notice in writing to the AFF President of his or her intention to appeal within 48 hours of the decision of the Appeal Tribunal Decision;
 - (2) lodges his or her appeal with the Court of Arbitration for Sport within five working days of the Appeal Tribunal Decision; and
 - (3) otherwise follows the relevant provisions contained in the Code of Sports related Arbitration which regulates matters coming before the Court of Arbitration for Sport.
- (c) Any appeal to the Court of Arbitration for Sport will be governed by the laws of the State of New South Wales.
- (d) In respect of nomination(s) by the AFF of fencer(s) for selection in an Australian Olympic Team, references in this Policy to “selection” will be read and construed as being references to such nomination and this Policy will apply mutatis mutandis to such nominations or no nominations as if they were selections or non-selections as the case may be.

20. Substitution of authorised person

Where the AFF Board considers in its absolute discretion that it is inappropriate or not possible for the President of the AFF to act in accordance with this Policy, it will appoint a substitute Director of the AFF Board to undertake all tasks and roles identified in this Policy as if they had been undertaken by the President.

21. Definitions and interpretations

21.1 Definitions

In this Policy, the following capitalised terms have the meanings set forth below:

Affiliate Member means a club registered as a member or an affiliate with a Member State and includes an Affiliate Member as that term is defined in the AFF Constitution.

AFF means Australian Fencing Federation Limited ACN 161 544 752.

AFF Bank Account means the bank account of the AFF published on the AFF Website from time to time.

AFF Board means the board of directors of AFF.

AFF Committee means a committee appointed under an AFF Policy.

AFF Constitution means the constitution of AFF adopted by the Members as amended from time to time.

AFF Member means a member of AFF as defined in the AFF Constitution.

AFF Policy means a policy of AFF in force from time to time.

AFF President means the person appointed as President of AFF, in accordance with the Constitution.

AFF Website means ausfencing.org.

Appeal means an appeal made to the Appeal Tribunal in accordance with the requirements of clause 17.

AFF Appeal Tribunal Decision means a decision of an Appeal Tribunal in relation to an Appeal.

AFF Appeal Tribunal means the tribunal constituted under clause 17 to hear appeals from a decision of a Tribunal.

Appellant means a party who makes an Appeal under this Policy.

Applicant means a person who makes an Application to Review under this Policy.

Application for Review means an application for review of an Original Decision substantially in the form set out in Schedule 1.

Australian Olympic Committee means the Australian Olympic Committee Incorporated ABN 33 052 258 241.

Chairperson means the person appointed to that role, pursuant to clause 6(e), for a hearing before a Tribunal (or Appeal Tribunal, as the case may be).

Commonwealth Games Australia means Commonwealth Games Australia Limited ACN 629 915 448.

Complainant means a person who makes a complaint under an AFF Policy.

FIE means the Fédération Internationale d'Esgrime.

Member State has the meaning given to that term by the AFF Constitution.

Notice of Appeal means a notice that a party intends to appeal a decision of a Tribunal in the form set out in Schedule 2.

Notice of Withdrawal means a notice of a withdrawal of an Application for Review or an Appeal completed in the form set out in Schedule 4.

NST means the National Sports Tribunal.

NST Appeals Division means the Appeals Division of the National Sports Tribunal, established under Part 3 Division 6 of the *National Sports Tribunal Act 2019*.

NST Eligible Matter means a kind of dispute that falls within the jurisdiction of the NST.

NST Excluded Matter means a kind of dispute that is expressly excluded from the NST's jurisdiction.

NST General Division means the General Division of the National Sports Tribunal, established under Part 3 Division 5 of the *National Sports Tribunal Act 2019*.

NST Legislation means the *National Sports Tribunal Act 2019* and all legislative and notifiable instruments adopted under that Act, as in force from time to time.

Original Decision has the meaning given to that term by clause 3(a).

Original Decision-Maker means the person or body who made the Original Decision the subject of an Application for Review under this Policy, which may include the AFF, Member State or Affiliate Member or their authorised delegate or a committee established by any of them.

Participant means a person who participates in the sport of fencing including, but not limited to, athletes.

Policy means this Tribunal Appointment and Procedure Policy.

Referral means a referral of a 'Complaint' under the AFF Member Protection Policy or Disciplinary Policy by an AFF Committee pursuant to the terms of the applicable AFF Policy substantially in the form set out in Schedule 3.

Respondent means the respondent to an Application for Review or an Appeal under this Policy (if any).

Selection Commission has the meaning given to that term under the Selection Policy.

Selection Policy means the selection policy of the AFF from time to time.

AFF Tribunal means the tribunal comprised of the Tribunal Members who are empanelled pursuant to clause 4 to constitute a Tribunal or Appeal Tribunal.

AFF Tribunal Member means a person appointed to that role, pursuant to clause 4, for a hearing before a Tribunal or Appeal Tribunal.

21.2 Interpretation

In this Policy, unless the contrary intention appears:

- (a) a person, corporation, trust, association, unincorporated body, government body or other entity includes any other of them;
- (b) the singular includes the plural and the plural includes the singular;
- (c) headings are for ease of reference only and do not affect the meaning or interpretation;
- (d) the word 'include' in any form is not a word of limitation; and
- (e) money is to Australian dollars, unless otherwise stated.

Schedule 1 - Application for Review

APPLICATION FOR REVIEW

The President
Australian Fencing Federation Limited
president@fencing.org.au

TAKE NOTICE that I, **[INSERT NAME OF APPLICANT]** (“**Applicant**”), hereby seek a review of the whole/part of the decision **[INSERT PARTICULARS]** dated **[INSERT DATE]**. I provide the following reasons for the application:

1. **[INSERT]**
2. **[INSERT]**
3. **[INSERT]**

Applicant:
(Signature)

Date:

Contact details:

<i>Address</i>	
<i>Telephone</i>	
<i>Email</i>	

Schedule 2 - Notice of Appeal

NOTICE OF APPEAL

The President
Australian Fencing Federation Limited
president@fencing.org.au

TAKE NOTICE that I, **[INSERT NAME OF APPELLANT]** (“**Appellant**”), hereby appeal from (seek a review of) the whole/part of the Tribunal decision **[INSERT PARTICULARS]** dated **[INSERT DATE]** on the following grounds:

1. **[INSERT]**
2. **[INSERT]**
3. **[INSERT]**

Appellant:
(Signature)

Date:

Contact details:

<i>Address</i>	
<i>Telephone</i>	
<i>Email</i>	

Schedule 3 - Referral

REFERRAL

The President
Australian Fencing Federation Limited
president@fencing.org.au

TAKE NOTICE that the **[INSERT NAME OF AFF COMMITTEE]** (“**AFF Committee**”), hereby seek to refer **[INSERT PARTICULARS]** to a Tribunal convened by the AFF Board. I provide the following particulars for the referral:

1. **[INSERT]**
2. **[INSERT]**
3. **[INSERT]**

AFF Committee Representative:
(Signature)

Date:

Contact details:

<i>Address</i>	
<i>Telephone</i>	
<i>Email</i>	

Schedule 4 - Notice of Withdrawal of Application or Appeal

NOTICE OF WITHDRAWAL OF [APPLICATION FOR REVIEW] / [APPEAL]

The Chairperson

C/- The President
Australian Fencing Federation Limited
president@fencing.org.au

I, **[INSERT NAME OF APPLICANT OR APPELLANT]** hereby withdraw my **[APPLICATION FOR REVIEW/ NOTICE OF APPEAL]** dated **[INSERT DATE]**.

Applicant / Appellant:
(Signature)

Date: