



Rules

of the
**Sports Disputes
Tribunal
of
Papua New Guinea**

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Rules of the Sports Disputes Tribunal of Papua New Guinea

This print of the Rules of the Sports Disputes Tribunal has been prepared —

- (a) having included amendments recommended by Her Honor, Justice Davani, a member of the International Court of Arbitration for Sport (ICAS).

Every care has been taken to ensure that it is comprehensive and it is an official print.

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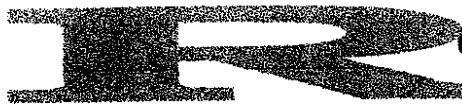
10 April 2007

Contents

Page

1.	Establishment of the Tribunal	4
2	Commencement of these Rules	4
3	Definition Provisions	4-6
4	Objects of these Rules	6-7
5.	Status of these Rules	7
6.	Application of these Rules	7-8
7.	Jurisdiction of the Tribunal	8-9
8.	Role and Functions of the Tribunal	10
9.	Structure of the Tribunal	10-13
10.	Powers of the Tribunal	13-14
11.	Procedure Generally	15
12.	Anti-Doping Rule Violation Proceedings	15-20
13.	Appeals Proceedings (Includes Selection Appeals)	20-26
14.	Assistance Proceedings (Includes National Significance, Interpretation and Other Matters in Special Cases	26-29
15.	Registry	29
16.	Language & Cultural Recognition	29-30
17.	Communications	30
18.	Representation	30
19.	Minors	31
20.	Interested Parties	31
21.	Confidentiality	31-32
22.	Applicable Law	32
23.	Decisions of the Tribunal	32
24.	Referral to Alternative Dispute Resolution	32-33
25.	Enforcement, Review and Appeals Against Tribunal Decisions	33
26.	Costs	33-34
27.	Frivolous and Vexatious Proceedings	34
28.	High User Levy	34
	Schedule "A" Remuneration of Tribunal Members	35
	Schedule "B" Allowances and Fees	36
	Index to Appendices	37
FORMS		
(F1)	Application for Anti-Doping Rule Violation Proceedings	38-40
(F2)	Notice to Defendant in Anti-Doping Rule Violation Proceedings	41
(F3)	Notice of Defence in Anti-Doping Rule Violation Proceedings	42
(F4)	Notice to Interested Party	43-44
(F5)	Notice from Interested Party	45
(F6)	Statement of Defence in Anti-Doping Rule Violation Proceedings	46-47
(F7)	Application for Appeal Proceedings (includes selection appeals)	48-51
(F8)	Appeal Brief	52-53
(F9)	Statement of Defence in an Appeal	54-55
(F10)	Application for Assistance Proceedings (includes National Significance, Interpretation and Other Matters in Special Cases)	56-59
(F11)	Statement of Position in Proceedings of National Significance, Document Interpretation and Other Matters in Special Cases	60

Circular 10/4/06



Rules of the Sports Disputes
Tribunal of Papua New Guinea

Amendment 10/4/07

1. **ESTABLISHMENT OF THE TRIBUNAL**

The Executive Board of ("the Executive Board") hereby establishes the Sports Disputes Tribunal of Papua New Guinea ("the Tribunal").

2. **COMMENCEMENT OF THESE RULES**

These Rules will take effect on 10/4/06 2007. (AAG)

3. **DEFINITION PROVISIONS**

In these Rules the words and phrases used shall have the following meanings—

"Act" means the *Associations Incorporation Act* (Chapter No. 146);

"Anti-Doping Rule Violation" means a violation, however described, of the rules or policies of a National Federation and/or International Federation, which prohibits doping in sport as defined by such National Federation and in the absence of any applicable rule or policy of the National Federation regarding Anti-Doping Rule Violations, means an anti-doping rule violation as defined in the Olympic Movement Anti-Doping Code or World Anti-Doping Code;

"Anti-Doping Rule Violation Proceeding" means a Proceeding under Rule 12 of these Rules regarding an alleged Anti-Doping Rule Violation;

"Appeal" means an appeal under Rule 13 of these Rules;

"Appellant" means a person or organization who or which commences an Appeal under these Rules;

"Applicant" means a person or organization who or which commences Anti-Doping Rule Violation Proceedings or Assistance Proceedings under these Rules;

"Executive Board" means the Executive Board of the Papua New Guinea Sports Federation and Olympic Committee Incorporated and includes any sub-committee of the Executive Board duly delegated with any functions of the Executive Board under these Rules.

"Chairperson" means the chairperson of the Tribunal as appointed under Rule 9.6, and a Deputy Chairperson appointed by the Executive Board or the Chairperson to fulfill any function of the Chairperson under these Rules;

"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;

"Defendant" means the person against whom an allegation of an Anti-Doping Rule Violation is made under these Rules;

"Deputy Chairperson" means a Legal Member of the Tribunal appointed as a deputy to the Chairperson under Rule 9.6;

"Drug Testing Authority" means an organization which undertakes testing of competitors and athletes for the detection of prohibited substances and methods and which is accredited to do so by the International Olympic Committee, an International Federation or the World Anti-

Rules of the Sports Disputes Tribunal of PNG

- Doping Agency and includes the Papua New Guinea Sports Drug Agency;
- "Interested Party" means a person or organization who or which has an interest in the outcome of the Proceedings as more particularly described in Rule 20 and "Interested Parties" has the same meaning;
- "International Federation" means the governing body which represents a sport internationally;
- "International Olympic Committee" means the body created by the Congress of Paris of 23 June 1894 which is entrusted with the control and development of the modern Olympic Games pursuant to the Olympic Charter;
- "Legal Members" means the Members of the Tribunal who have been appointed due to their legal experience as set out in Rule 9.3.;
- "Member" means a member of the Tribunal appointed under Rule 9.3.;
- "National Significance" in relation to a dispute means a dispute in respect of which the decision of the Tribunal will or may impact significantly on the decisions, rules, policies, activities, programmes, events or things at a national level in Papua New Guinea in sport;
- "National Federation" means the governing body which represents a sport in Papua New Guinea and which is a member of the sport's International Federation and/or is recognized by Papua New Guinea Sports Federation and Olympic Committee Incorporated, being an incorporated society situated in Port Moresby, and which is the Member body in Papua New Guinea of the International Olympic Committee, responsible for the selection of sports teams to represent Papua New Guinea at the Olympic Games and Commonwealth Games;
- "Papua New Guinea Olympic Committee" means the National Olympic Committee;
- "Papua New Guinea Sports Drug Agency" means the state agency responsible for the testing of competitors for prohibited drugs and methods established under the Papua New Guinea Sports Drug Agency Act _____."
- "Olympic Movement Anti-Doping Code" means the code of rules of the International Olympic Committee which is in force from time to time in relation to doping, which include any By-Laws to such code;
- "Other Members" mean the Members of the Tribunal who have been appointed due to their experience in sport as set out in Rule 9.3.;
- "Person" means an individual or organization;
- "Pre-Hearing Conference" means any conference or conferences held by the Chairperson and the parties, or persons representing the parties, prior to the hearing and as described in Rules 11 and 12 of these Rules;
- "Proceeding" means any proceeding under these Rules including Proceedings in relation to an Anti-Doping Rule Violation, an Appeal and a dispute regarding a matter of Assistance.
- "Registrar" means the person or persons appointed by the Executive Board under Rule 9.14, to facilitate and co-ordinate Proceedings brought under these Rules.
- "Rules" means these rules and, "Rule" has the same meaning;
- "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;

Rules of the Sports Disputes Tribunal of PNG

"Selection Criteria" means the criteria upon which persons are nominated and/or selected to teams or Squads;

"Papua New Guinea Sports Federation and Olympic Committee Incorporated" means the Non-Government Organization entity established under the *Association Incorporation Act* (Chapter 146).

"Squad" means a group of athletes who have been identified for consideration for selection to a Papua New Guinea 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 Disputes Tribunal of Papua New Guinea established under Rule 1 of these Rules;

"Working Day" means any day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, - Anzac Day, the Sovereign's birthday and
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 3rd day of January in the following year;

"World Anti-Doping Agency" means the agency established on 10 November 1999 to promote and co-ordinate the fight against doping in sport internationally. Its establishment followed the World Conference on Doping in Sport held in Lausanne on 2-4 February 1999, which produced the Lausanne Declaration on Doping in Sport; and

"World Anti-Doping Code" means the code of rules of the World Anti-Doping Agency which is in force from time to time in relation to doping.

4. OBJECTS OF THESE RULES

The objects of these Rules are to establish a Tribunal which will—

- (a) provide a specialist sports focused body for the resolution of sports related disputes;
- (b) determine sports related disputes without resorting to the ordinary courts;
- (c) deliver speedy, informal and practical justice to the parties to the sports related disputes;
- (d) determine the substantial merits of sports related disputes without regard to technicalities;
- (e) provide an independent and impartial body with the requisite expertise and experience in sport and the law to determine sports related disputes;
- (f) minimize the time and costs associated with resolving sports related disputes;
- (g) be accessible to National Federation, athletes and coaches as a "sports court" and/or ultimate appeal body for sports related disputes in Papua New Guinea;
- (h) create a body of decisions which can assist sports people and sports organizations to tailor and control their behaviour appropriately;
- (i) encourage fair play and good sportsmanship;

- (j) recognize the unique relationships between sports people and sports organizations in that sport is largely reliant on volunteers; and
- (k) have regard to the desirability of consistency of treatment in the resolution of sports related disputes.

5. STATUS OF THESE RULES

5.1 Rules made under the Constitution of the Papua New Guinea Sports Federation and Olympic Committee Incorporated.

5.2 These Rules are made in accordance with Clause 8 of the Constitution of Papua New Guinea Sports Federation and Olympic Committee Incorporated.

5.3 The Tribunal shall be regulated by these Rules-

5.3.1 The practice and procedure of the Tribunal in all Proceedings shall be regulated by these Rules.

5.3.2 If in any Proceeding before the Tribunal any question arises as to the application of any provision of these Rules, the Tribunal may, on the application of any party or of its own motion, determine the question and give such directions as it thinks fit.

5.3.3 These Rules shall be so construed as to secure the just, speedy, and inexpensive determination of any Proceeding.

5.3.4 These Rules are binding on all persons' and parties involved in any Proceedings before the Tribunal.

5.3.5 On any matter not otherwise provided for in these Rules, the Tribunal shall have jurisdiction to make such orders or give such directions as it considers to be consistent with the just, speedy, and inexpensive determination of any Proceeding.

5.4 Amendments to these Rules:

5.4.1 These Rules may be amended by the Executive Board. Any amendment shall be published by Papua New Guinea Sports Federation and Olympic Committee Incorporated and the Tribunal on their emails or websites and shall be communicated by Papua New Guinea Sports Federation and Olympic Committee Incorporated to all National Federation, and shall come into force on the date determined by the Executive Board as stated in the amendment.

6 APPLICATION OF THESE RULES

6.1 Subject to Rule 7, these Rules shall apply to every person and organization which, either—

- (a) is bound by any rules, policies or procedures of a National Federation to refer a sports related dispute to the Tribunal; or

- (b) has agreed in writing to refer a sports related dispute to the Tribunal.

7. JURISDICTION OF THE TRIBUNAL

7.1 Subject to Rules 7.2 to 7.5 inclusive, the Tribunal shall have jurisdiction to hear and determine the following sports related disputes:

- (a) *Doping*: allegations by a National Federation that a person has committed an Anti-Doping Rule Violation and has breached relevant applicable rules or policies;
- (b) *National Selection*: an appeal by an aggrieved person against the decision of a National Federation (including any person/s or committee on its behalf), and/or the Papua New Guinea Olympic Committee, relating to their Selection or Non-Selection to a Papua New Guinean National Team or as a National representative;
- (c) *Appeals*: where a person or organization exercises its or his right of appeal to the Tribunal against a decision of a National Federation, in circumstances where such person or organization has exhausted their other rights of appeal within the rules of the National Federation providing that the National Federation has such a provision within its rules;
- (d) *National Significance*: a sports related dispute of National Significance and which the parties have agreed in writing to refer to the Tribunal for determination not withstanding the existence of appeal provisions which have yet to be exhausted. As to what is of National Significance is to be divided by the Executive Board on receipt of the appeal ;
- (e) *Interpretation*: where the parties to a sports related dispute relating to or involving a substantial question as to the interpretation, application or operation of any agreement, contract, rule, constitution or other written document are unable to resolve that dispute and agree to refer that dispute to the Tribunal for a final and binding decision in respect of that agreement, contract, rule, constitution or other document;
- (f) *Other Matters in Special Cases*: notwithstanding anything in paragraphs (a) to (e) of this Rule 7.1, in a special case where the parties to a sports related dispute may agree in writing to refer a sports related dispute to the Tribunal, for its determination. discretion accepts such reference pursuant to Rule 7.4(b).

7.2 Regardless of an agreement by parties for the Tribunal to hear and determine any sports related disputes set out in Rule 7.1, where a court or statutory tribunal has exclusive jurisdiction to resolve the dispute, then it is the court that shall hear and determine the sports dispute, not the tribunal.

Rules of the Sports Disputes Tribunal of PNG

- 7.3 If there is any dispute between the parties as to whether the Tribunal has jurisdiction to hear and determine a matter, the Tribunal shall determine such dispute. If it considers it necessary, the Tribunal may request submissions from the parties and will convene to determine that issue before making such determination.
- 7.4 **A decision by the Tribunal—**
- (a) as to whether a sports related dispute is one, falling within the category of rules 7.1 (d) (e) and (f) shall be final.
- (b) In determining whether to accept a reference under Rule 7.1(f), the Tribunal shall have regard to the following—
- (i) the importance of the matters at issue to the parties and any applicable International Federation and/or National Federation;
- (ii) whether the matters at issue are of substantial general or public importance;
- (iii) any rules of any organization (including any applicable International Federation and/or National Federation) which are relevant to the parties and/or the matters at issue in the Proceeding;
- (iv) the history of the dispute;
- (v) whether there are any other available means of resolving the dispute expeditiously;
- (vi) such other matters as the Tribunal in its discretion considers just.
- 7.5 The Tribunal shall not hear or determine any dispute in which the Papua New Guinea Sports Federation & Olympic Committee Incorporated—
- (a) is a party to the Proceedings. Subject to the grant of leave under Rule 7.5 (b) of this Rules, Papua New Guinea Sports Federation and Olympic Committee Incorporated, or its duly appointed or legal representative, may make submissions, and provide evidence in the Proceedings.
- (b) shall apply to the Tribunal for leave to be heard in Proceedings under Rule 7.5(a). In determining whether to grant leave, the Tribunal shall give parties to the Proceeding webmaster.cno-noc@olympic.orgthe opportunity to be heard and the grant of leave will be subject to conditions as the tribunal thinks fit.
- 7.6 In the event a person has been charged for a drug related offence under the applicable legislations of Papua New Guinea or an appeal brought under section ____ of the Papua New Guinea Sports Drug Agency Act _____, the Tribunal may, in its discretion, at any time hear and determine the penalty for the Anti-Doping Rule Violation notwithstanding that criminal Proceedings or the said appeal is pending or has yet to be determined.

8. **ROLE AND FUNCTIONS OF THE TRIBUNAL**

- 8.1 The role of the Tribunal is to determine sports related disputes within its jurisdiction by establishing the facts and making a determination on the merits.
- 8.2 The functions of the Tribunal are—
- (a) to consider, inquire into, and determine Proceedings brought before the Tribunal under these Rules;
 - (b) to exercise and perform such other functions, powers and duties as are conferred or imposed on it by or under these Rules or by the Executive Board.

9. **STRUCTURE OF THE TRIBUNAL**

- 9.1 There shall be a panel of Tribunal Members from which a Tribunal shall be appointed for each case.
- 9.2 The Tribunal panel shall comprise up to nine Members appointed by the Executive Board.
- 9.3 The panel of Tribunal Members shall consist of—
- (a) a chairperson, who shall be a retired judicial officer who has held office in a Papua New Guinea court or statutory tribunal, or a senior lawyer of the Supreme and National Courts of Papua New Guinea, of not less than ten (10) years practice who is of standing and repute within the legal profession, and who has a significant understanding and/or interest and/or substantial experience in sport;
 - (b) two Members who shall be admitted lawyers of the National and Supreme Courts of Papua New Guinea with not less than **five (5)** years practice, and who have substantial experience in legal issues affecting sport or have involvement in sport in some capacity; and
 - (c) **six (6)** Members who each have substantial experience in sport over a period of ten (10) years in any capacity, whether as an athlete, administrator, coach or other participant in sport.
- 9.4 All Tribunal Members—
- (a) term shall be for three years, or a shorter period as determined by the Executive Board.
 - (b) Upon the expiration subject to the Rule 9.2 of these rules of a Tribunal Member's term of office s/he may be reappointed for a further term of office.
- 9.5 The Board shall—
- (a) call for applications ether through the media or any other form of communication for the position as a Tribunal Member.
 - (b) consider all applications; and
 - (c) determine the positions of Tribunal Members.

Rules of the Sports Disputes Tribunal of PNG

- 9.6 In respect of the inaugural Tribunal, the Executive Board shall—
- (a) appoint the Chairperson prior to determining the remaining positions on the Tribunal panel.
 - (b) consult with the Chairperson of the Tribunal when making the appointments of the Legal Members and Other Members to the Tribunal panel.
 - (c) immediately after the appointment of the two Legal Members, the Executive Board, after consultation with the Chairperson, shall appoint one of them as Deputy Chairperson of the Tribunal.
 - (d) Either the Chairperson or the Executive Board may appoint a Deputy Chairperson to exercise or perform any or all the functions, duties and powers of the Chairperson, for such period as the Chairperson or the Executive Board (as the case may be) may determine. While acting for the Chairperson under this Rule, a Deputy Chairperson shall be deemed to be the Chairperson of the Tribunal.
- 9.7 The Chairperson shall preside at all meetings of the Tribunal. In the event that the Chairperson is unavailable, the Deputy Chairperson shall exercise; perform any or all of the functions, duties and powers of the Chairperson, during the absence of the Chairperson.
- 9.8 A Tribunal Member—
- (a) shall have vacated his or her office if -
 - (i) he or she dies;
 - (ii) he or she is adjudged bankrupt or insolvent under the Bankruptcy Act and/or Insolvency Act _____;
 - (iii) he or she is convicted of a criminal offence.
 - (b) may be removed from office by the Executive Board, by notice in writing given to the Member, on the grounds of—
 - (i) mental or physical infirmity, or
 - (ii) for neglect of duty, or misconduct, to be proven to the satisfaction of the Executive Board.
 - (c) may at any time resign from office by giving 14 days written notice to the Chairperson of the Executive Board.
- 9.9 A vacancy on the Tribunal panel shall be filled in accordance with the procedures prescribed in Rule 9.5.
- 9.10 The Tribunal Members shall be paid—
- (a) such remunerations as prescribed in schedule marked 'A' to these rules, fees shall be determined by the Executive Board from time to time.
 - (b) such fees shall be inclusive of traveling allowances and expenses which shall be set by the Executive Board, and which are set out in schedule marked 'B'.

- 9.11 The limit of liability and indemnity of a member of the Tribunal—
- (a) is indemnified from prosecution in a criminal court or shall not be liable for actions done or omitted to be done—
 - (i) at or for the purposes of any Proceeding under these Rules; or
 - (ii) the publication of any decision relating to any Proceeding before the Tribunal.
 - (b) shall be fully indemnified by the Papua New Guinea Sports Federation and Olympic Committee Incorporated for any damages or costs awarded against them as a result of any act done, or omitted to be done, in the course of the exercise or intended exercise of any of their functions, duties or powers under these Rules unless such act or omission is done or omitted to be done in bad faith, together with all costs of defending any allegation, complaint or claim against any Tribunal Member.
- 9.12 So far as these Rules may extend, no criminal or civil proceedings shall be taken against any Tribunal Member or Sport or and Recreation Papua New Guinea or any member or employee of it, in respect of anything done in pursuance of these Rules.
- 9.13 **On the determination of Tribunal for each Proceeding:**
- 9.13.1 The Chairperson shall determine the composition of the Tribunal to be convened for each Proceeding, and shall comprise three Members, being—
- (a) the Chairperson or in his absence, the deputy chairperson or a Legal Member, to preside over the Proceeding; and
 - (b) two Other Members,
- but the Chairperson in his/her discretion may convene a Tribunal comprising more than three Members. In a special case, the Chairman may appoint any Other Member who is a barrister and/or solicitor of the Supreme Court and National Court of Papua New Guinea of not less than seven (7) years in practice to preside over a Proceeding, in which case the appointee shall have, in respect of that Proceeding, all of the relevant powers of the Chairperson.
- 9.13.2 In urgent or exceptional cases the Chairperson shall convene a Tribunal comprise of one Tribunal Member, with a Legal background and two (2) ordinary members.
- 9.13.3 The Chairperson or a Deputy Chairperson shall hear and determine any preliminary matters which might arise in any Proceeding, including any matters arising out of a Pre-Hearing Conference.
- 9.13.4 Upon the appointment of the Members of the Tribunal for a Proceeding, the Registrar shall notify the parties in the Proceeding of such appointment. (See Rule 14.2.4(b)).

9.13.5 No Tribunal Member may sit as a Tribunal Member in any Proceeding if he or she cannot do so independently and impartially or consistently with the appearance of independence and impartiality. If any Tribunal Member is concerned as to his/her independence and impartiality, such must be disclosed to the Chairperson or a Deputy Chairperson, and at the discretion of the Chairperson or the Deputy Chairperson to the parties to the dispute, and the Chairperson or the Deputy Chairperson shall make such ruling as appropriate.

9.14 **The Registrar of the Tribunal—**

- (a) Office is established;
- (b) shall be appointed by the Executive Board.
- (c) terms and conditions of appointment, including his or her term of office, shall be determined by the Executive Board.

9.15 The functions of the Registrar include the following—

- (a) To facilitate and co-ordinate the management of all Proceedings;
- (b) To provide information to the public about the Tribunal and its procedures upon request;
- (c) To be the secretary to the Tribunal;
- (d) To undertake such other functions as may be determined by the Executive Board.

9.16 The Registrar has no power to make any decisions under these Rules for and on behalf of the Tribunal or the Executive Board.

10. POWERS OF THE TRIBUNAL

10.1 The Tribunal shall have the power to inquire into the subject-matter of any Proceeding in accordance with these Rules.

10.2 For the purposes of any inquiry, the Tribunal, or any person authorized in writing by it, may—

- (a) inspect and examine any papers, documents, records or items;
- (b) require any 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;
- (c) require any person bound by these Rules, and request any other person, to furnish, in a form approved by or acceptable to it, any information or particulars that may be required by it, and any copies of or extracts from any such papers, documents or records; and
- (d) 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.

- 10.3 The Tribunal may—
- (a) if it thinks fit, require that any written information or particulars or any copies or extracts furnished under these Rules be verified by affidavit, or otherwise as the Tribunal may require.
 - (b) 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 10(1).
- 10.4 **The Tribunal has the power to appoint Counsel to Assist the Tribunal—**
- (a) In special cases, the Tribunal may from time to time in respect of any Proceeding appoint a barrister or solicitor of the National and Supreme Courts of Papua New Guinea (known as "Counsel to Assist the Tribunal") who, subject to Rule 10.4(a), shall:
 - (i) be present at any hearing of the Tribunal; and
 - (ii) before, after and during the hearing, advise the Tribunal on matters of law, procedure or evidence, in respect of that Proceeding.
 - (b) A person appointed as Counsel to Assist the Tribunal under Rule 10.4(a) shall not sit with the tribunal when it deliberates on the decision.
 - (c) The Tribunal shall pay counsels reasonable fees and expenses but at rates agreed to before counsels formal appointment.
- 10.5 **The Tribunal may appoint Independent Experts—**
- (a) at any time, in respect of any Proceeding, either of its own motion or on the application of any party, appoint a person who is independent from the parties to the Proceeding with expertise in the subject matter of the dispute, to assist and advise the Tribunal. Such person may, subject to Rule 10.5(a):
 - (i) be present at any hearing of the Tribunal;
 - (ii) inquire into and report on any question of fact or opinion not involving questions of law or construction; and
 - (iii) at the request of the Tribunal, give evidence to the Tribunal and/or advise or assist the Tribunal.
- 10.6 A person appointed under Rule 10.5(a) shall not be present during the tribunals deliberations on the decision.
- 10.7 If the person in Rule 10.5(a) provides a report and/or gives evidence in any Proceeding, all parties shall have the right to cross examine him or her.
- 10.8 As to the experts expenses, if the expert is appointed at the tribunals request, the tribunal shall pay his or her expenses. However, if the expert is appointed of one party request, that party shall pay the experts expenses. But both parties shall equally share the payment of the witness expenses, if they both have need for him or her.

11. **PROCEDURE GENERALLY**

- 11.1 The Tribunal subject to these Rules, may—
- (a) regulate its procedure in such manner as it thinks fit; and
 - (b) prescribe or approve forms for the purposes of any Proceedings.
- 11.2 The Tribunal shall observe the rules of natural justice.
- 11.3 **The Tribunal—**
- (a) may receive as evidence any statement, document, information, or matter that may in its opinion assist it to deal effectively with the matters before it, notwithstanding its admissibility or not in a court of law.
 - (b) shall take evidence on oath or affirm the witness or parties and for that purpose the Chairperson or in his absence, any Legal Member may administer the an oath or affirmation in accordance with the Oaths and Affirmations Act
- 11.4 **The Relevance of rules, policies and procedures of applicable sport—**
- (a) In matters of process, the Tribunal may have regard to, but is not bound to follow, any dispute resolution procedures of the sport whose compliant or enquiry is before the tribunal.
 - (b) In dealing with substantive matters (including questions of penalty), the Tribunal may refer to the rules and procedures of any International Federation or National Federation to assist it in its deliberations.
- 11.5 **Where the Tribunal as fix the Time Periods—**
- (a) under these rules or the tribunal sets a time for the doing of any act or taking any Proceeding or any step in a Proceeding, then such act or step shall be taken by 5.00pm Papua New Guinea time on that day, unless determined otherwise by the tribunal.
 - (b) The tribunal may order an extension of time upon application but which application must be made by the affected party before the time period for compliance with orders, lapses.

12. **ANTI-DOPING RULE VIOLATION PROCEEDINGS**

- 12.1 Application of this Part of these Rules shall apply if the rules or policies of a National Federation provide for allegations of an Anti-Doping Rule Violation to be heard and determined by the Tribunal.
- 12.2 **The Anti-Doping Rule Violation Proceedings shall commence, where—**
- (a) a National Federation receives information (including notice of an Anti-Doping Rule Violation from a Drug Testing Authority) that a person has or may have committed an Anti-Doping Rule Violation ('Defendant'), and
 - (b) the National Federation is required to, or it decides, under its applicable rules or policies or in any contract or agreement with such person, to refer the Anti-Doping Rule Violation to the Tribunal for determination;

then the National Federation shall make application to the Tribunal for the matter to be heard and determined by it ("Anti-Doping Rule Violation Proceedings").

- 12.3 **An application for Anti-Doping Rule Violation Proceedings shall—**
- (a) be made by the National Federation —
 - (i) by completing an Application for Anti-Doping Rule Violation Proceedings in Form 1; and
 - (ii) shall provide a copy of its constitution, rules and any applicable doping policies including any applicable rules of the sport's International Federation regarding doping and, if, the Olympic Movement Anti-Doping Code or the World Anti-Doping Code whichever applies; and
 - (iii) shall provide an outline of the evidence it proposes to provide in support of such application;
 - (iv) if applicable, shall provide a copy of the contract or agreement in which the parties agreed to the jurisdiction of the Tribunal;
 - (v) shall pay a filing fee to the Tribunal of K1000.00 (less tax);
 - (b) be sent by the National Federation to the Registrar and within fourteen (14) Working Days of the National Federation receiving the information giving rise to the alleged Anti-Doping Rule Violation.
- 12.4 **Upon receiving an application for Anti-Doping Rule Violation Proceedings, and the filing fee, the Registrar shall as soon as practicable, send to the Defendant:**
- (a) a copy of the application and supporting documentation filed by the National Federation;
 - (b) a notice in Form 2 stating that the application will be referred to the Tribunal to be heard and determined and requesting the Defendant to advise, within five (5) Working Days whether they wish to defend the Application, or admit the Anti-Doping Rule Violation but still participate in the hearing as to penalty, or admit the Anti-Doping Rule Violation and waive their right to participate in the hearing;
 - (c) a copy of these Rules, including Form 3, for completion and return to the Registrar.
- 12.5 If the Defendant responds to the notice within five (5) Working Days advising that they admit the Anti-Doping Rule Violation, but do not wish to participate in the hearing, the Defendant shall provide the Tribunal with an address for service and the Tribunal shall determine the penalty, for such Anti-Doping Rule Violation consistently with the applicable rules or policies of the National Federation, or if there are no such rules, with any applicable rules or policies contained in the rules of the applicable International Federation, or if there are no such rules,

the Olympic Movement Anti-Doping Code or the World Anti-Doping Code whichever applies.

- 12.6 **If the Tribunal imposes a penalty** under Rule 11.3.3, the Registrar shall notify the Defendant and the National Federation of the penalty within 48 hours of the Tribunal's determination. .
- 12.7 **If the Defendant does not respond** to the notice within five (5) Working Days, or responds that they wish to be heard on the matter, the Registrar shall as soon as practicable thereafter—
- (a) liaise with the Chairperson and the Tribunal Members to convene the Tribunal to hear and determine the matter and to determine the date and time of any Pre-Hearing Conference;
 - (b) notify the Defendant and the National Federation of:
 - (i) the names of the Tribunal Members who will be hearing and determining the Proceedings;
 - (ii) the date and time of any Pre-Hearing Conference;
 - (iii) the right to be represented (as set out in Rule 17); and
 - (iv) at the discretion of the Tribunal, the matters to be discussed and determined at any Pre-Hearing Conference; and
 - (c) notify the Defendant that they shall serve and file a Statement of Defence within ten (10) Working Days.
- 12.8 **The Statement of Defence shall be —**
- (a) filed by the Defendant with the Tribunal within ten (10) working days after receipt of the Application for Anti-Doping Rule Violation Proceedings.
 - (b) in Form 6 and shall include the following—
 - (i) whether the Defendant admits to, or denies, the alleged Anti-Doping Rule Violation;
 - (ii) a response to each of the allegations made in the Application for Anti-Doping Rule Violation Proceedings by the National Federation;
 - (iii) whether the Defendant accepts that the Tribunal has jurisdiction to hear and determine the matter and if not, why not;
 - (iv) an outline of the evidence they propose to provide in support of their defence.
- 12.9 **If the Defendant fails to file** his/her Statement of Defence within the time period specified in Rules 11.5(a) or 11.5(b), the Tribunal may nevertheless proceed with the hearing and/or determination.
- 12.10 **The Defendant shall file the Statement of Defence with the Tribunal** and at the same time; serve a copy upon the National Federation.

- 12.11 **The Tribunal shall—**
- (a) **hold a Pre-Hearing Conference** prior to any hearing of an Anti-Doping Rule Violation Proceeding, and;
 - (b) issue such directions as it considers necessary for the just, and speedy determination of the Proceeding, including a determination as to whether the Tribunal has jurisdiction or not to hear the application.
- 12.12 If a person or Party informs the Tribunal at the Pre-Hearing Conference of its or his/her interest in the proceedings, the Registrar shall—
- (a) send to such party a notice in Form 4 including—
 - (i) the Application for Anti-Doping Rule Violation Proceedings;
 - (ii) the Statement of Defence;
 - (iii) the Applicant's Statement of Reply;
 - (iv) a copy of these Rules;
 - (v) details of the matters contained in Rule 11.3(a);
 - (vi) a copy of the directions made at the Pre-Hearing Conference;
 - (b) also request that the Interested Party advise the Tribunal on whether or not they wish to be involved in the Proceedings by completing and returning to the Tribunal Form 5 by the date specified on the Form.
- 12.13 There may be more than one Pre-Hearing Conference prior to the hearing, as determined by the Chairperson or a Deputy Chairperson.
- 12.14 **The—**
- (a) **National Federation's Statement in Reply** may file a reply to the Defendant's Statement of Defence, ("Statement in Reply").
 - (b) **Statement in Reply** shall—
 - (i) specify the National Federation's response to each of the matters contained in the Defendant's Statement of Defence.
 - (ii) be filed with the Tribunal within the time period determined by the Chairperson and notified to the parties.
 - (c) National Federation shall also serve a copy of its **Statement in Reply** upon the Defendant at the same time as it files it with the Tribunal.
- 12.15 **The evidence** in support of the application and the defence may be produced in writing or orally, or a combination of both, as determined by the Chairperson.
- 12.16 **The Hearing of an Application for Anti-Doping Rule Violation Proceedings—**
- (a) is determined by the Tribunal following a hearing.

- (b) if the Chairperson and the parties agree, may be determined by the Tribunal by reference only to the documents filed, without hearing the parties,
- (c) shall be held—
 - (i) as soon as practicable after any Pre-Hearing Conference, or if there is no Pre-Hearing Conference, as soon as possible after the parties have filed the appropriate documents as set out in these Rules.
 - (ii) in such manner as the Tribunal determines, including a hearing by telephone conference, video conference, or in person, a combination of such means.
 - (iii) at a venue and location in Papua New Guinea which is most convenient to all the parties, and the Tribunal Members, as determined by the Chairperson.

12.17 **The procedure for the hearing** shall be determined by the Tribunal as it considers appropriate.

12.18 **On the Onus and Burden of Proof for Anti-Doping Rule Violation:**

12.18.1 Subject to Rule 12.18.2, in the absence of any direction in the applicable rules or policies of the National Federation for an Anti-Doping Rule Violation, the onus shall be on the National Federation to prove that an Anti-Doping Rule Violation has been committed.

12.18.2 The Tribunal shall accept as a proven fact the result of a test conducted by a Drug Testing Authority, or a determination of a doping infraction under section _____ of the Papua New Guinea Sports Drug Agency Act _____, or a determination by the Sports Drug Agency under section _____ of the Papua New Guinea Sports Drug Agency Act.

12.18.3 **Facts** relating to the Anti-Doping Rule Violation may be established by any reliable means, including admissions. If applicable, the rules set in the World Anti-Rules of the Sports Disputes Tribunal Doping Code shall apply in respect of matters of establishing facts and presumptions in Anti-Doping Rule-Violation Proceedings.

12.18.4 In the absence of any direction in the applicable rules or policies of the National Federation regarding the standard and burden of proof for an Anti-Doping Rule Violation, the following provisions shall apply—

- (a) the National Federation shall have the burden of establishing that an Anti-Doping Rule Violation has occurred to the satisfaction of the Tribunal in accordance with the standard and burden of proof prescribed in paragraph 12.18.2; and

- (b) **the standard of proof** to be applied to establish whether the National Federation has met the burden in paragraph 12.18.1, is greater than a mere balance of probabilities but less than a standard which may be expressed as proof beyond reasonable doubt and shall take into account the seriousness of the allegation made. The burden of establishing exceptional circumstances (as defined in the Olympic Movement Anti-Doping Code or the World Anti-Doping Code whichever applies) or other mitigating factors shall be on the person alleged to have committed the Anti-Doping Rule Violation.

12.19 The Tribunal —

- (a) where In the event the Tribunal determines that an Anti-Doping Rule Violation has been committed, shall impose such penalty or penalties as is consistent with the applicable rules or policies of the National Federation; or
- (b) in the absence of such rules or policies, shall impose such penalty or penalties as is consistent with the Olympic Movement Anti-Doping Code or the World Anti-Doping Code, whichever applies.

13 **APPEALS PROCEEDINGS** (Includes Selection Appeals) .

13.1 **An Appeals Proceedings (including Selection Appeals) may be commenced by—**

- (a) Any person ("the Appellant") may appeal to the Tribunal from a decision of a National Federation regarding a sports related matter (including a decision of an official, committee, judicial tribunal or similar body of a National Federation) if:
 - (i) the rules or policies of the National Federation provide for such Appeal; or
 - (ii) if the parties to the Appeal agree to do so in writing; and the Appellant has exhausted their other rights of appeal within the rules or policies of the National Federation, prior to commencing the Appeal.

13.2 In addition to the right of appeal in Rule 13.1(a), where a person wishes to appeal a decision of a National Federation (including any person or committee on its behalf) and/or the Papua New Guinea Olympic Committee relating to their Selection or Non-Selection as a Papua New Guinea representative in a sport or to a Papua New Guinea representative sports team or Squad, they may appeal under these Rules if—

- (a) the rules or policies of the National Federation and/or the Olympic Committee (if applicable), provide for such Appeal to be determined by the Tribunal; or
- (b) the parties to the Appeal agree to do so in writing; and the Appellant has exhausted their other rights of appeal within the rules or policies of the National Federation and/or the Papua

Rules of the Sports Disputes Tribunal of PNG

New Guinea Olympic Committee, prior to commencing the Appeal.

- 13.3 An Appeal under Rules 13.1 or 13.2 shall be limited to the grounds set out in the applicable rules or policies of the National Federation or the Olympic Committee (if applicable in Selection cases), or in the absence of such grounds, one or more of the following grounds:
- (a) that natural justice was denied;
 - (b) the decision maker or decision making body acted outside of its powers and/or jurisdiction (ie acted ultra vires);
 - (c) that substantially new evidence has become available after the decision, which is being appealed, was made;
 - (d) in respect of a decision relating to misconduct involving the Appellant, that the penalty was either excessive or inappropriate ;or
 - (e) in respect of a decision relating to the Selection or Non-Selection of the Appellant, that the National Federation did not comply with a selection criteria and none was in existence. Selection Criteria followed, or where there are applicable Selection Criteria, that:
 - (i) the criteria have not been properly followed and/or implemented;
 - (ii) the person seeking selection was not afforded a reasonable opportunity by the National Federation to satisfy the applicable Selection Criteria;
 - (iii) the selection of athletes was affected by bias; or
 - (iv) there was no material on which the Selection of athletes could reasonably be based.
- 13.4 **An Appellant shall commence an Appeal by filing an Application for Appeal in Form 7** with the Tribunal which shall include the following:
- (a) the grounds of the Appeal;
 - (b) the outcome or relief which is sought;
 - (c) a copy of the decision of the National Federation or Papua New Guinea Olympic Committee (if applicable) which is being appealed.
- 13.5 **The Time Limit for Appeals to be lodged is—**
- (a) the Application for Appeal shall be lodged at the Tribunal Office within the time-limit set out in the applicable rules or policies of the National Federation or the Papua New Guinea Olympic Committee (if applicable); or
 - (b) in the absence of such time-limit, within fifteen (15) Working Days of the Appellant being notified of the decision against which the Appeal is made.

13.6 The Appellant, subject to Rule 13.7 shall—

- (a) **pay an Appeal fee of K1000.00 less tax** to the Tribunal office;
- (b) at the same time, file the Application for Appeal.

13.7 The Tribunal may—

- (a) waive all or part of the Appeal fee in cases of hardship upon application submitted by the Appellant and the Appellant must submit evidence of hardship with their application for waiver of the Appeal fee.
- (b) order the Registrar to refund the filing fee or Appeal fee in lieu of making an order for costs, if an Appellant is successful (in whole or part) in their Appeal before the Tribunal.

13.8 On Procedure for Appeals

13.8.1 Upon receiving an Application for Appeal and the Appeal fee, the Registrar shall as soon as is reasonably practicable—

- (a) liaise with the Chairperson and the Tribunal Members to convene a Tribunal to determine the date and time of any Pre-Hearing Conference; to hear and determine the matter;
- (b) notify the Appellant and the National Federation or the National Olympic Committee, the Commonwealth Games, the South Pacific Games and the Melanesian Games (as applicable) of:
 - (i) the names of the Tribunal Members who will be hearing and determining the Appeal Proceedings;
 - (ii) the date and time of any Pre-Hearing Conference;
 - (iii) the right to be represented (as set out in Rule 17); .
 - (iv) at the discretion of the Tribunal, the matters to be discussed and determined at any Pre-Hearing Conference;
- (c) notify the Appellant that they are required to file and serve an Appeal Brief within five (5) Working Days from the date of the notice; and
- (d) in respect of the National Federation or the Papua New Guinea Olympic Committee (as applicable):
 - (i) notify it that it must serve and file a Statement of Defence within ten (10) Working Days of the Appeal Brief being filed;
 - (ii) provide it with a copy of the Application for Appeal (including a copy of the decision of the National Federation or the Papua New Guinea Olympic Committee which is being appealed);
 - (iii) provide it with a copy of these Rules, including Form 8, for completion and return to the Registrar.

13.9 On Appeal Briefs

13.9.1 Within five (5) Working Days of the notice in paragraph 12.4(b), the Appellant shall file with the Tribunal, and send to the National Federation or the Papua New Guinea Olympic Committee (as applicable), an Appeal Brief.

13.9.2 The Appeal Brief shall be in Form 8 and shall include the following:

- (a) A statement or statements of evidence setting out the facts of the matter;
- (b) A written submission setting out why and how the Appellant considers the decision being appealed was wrong or incorrect;
- (c) The outcome or relief sought;
- (d) An outline of the evidence and exhibits upon which the Appellant intends to rely upon in the Appeal.

13.10 On Statement of Defence by the National Federation or the Papua New Guinea Olympic Committee (as applicable)

13.10.1 The National Federation or the Papua New Guinea Olympic Committee (as applicable), shall file a Statement of Defence as soon as possible after receiving a copy of the Appeal Brief and no later than ten (10) Working Days after receiving such Appeal Brief or such other time period as determined by the Chairperson or a Deputy Chairperson.

13.10.2 **The Statement of Defence in an Appeal shall be in Form 9** and shall include—

- (a) A response to the Appellant's statement or statements of evidence responding to the facts of the matter;
- (b) A written submission setting out a response to the Appellant's statement of why and how the Appellant considers the decision being appealed was wrong or incorrect;
- (c) An outline of the evidence and exhibits upon which it intends to rely in the Appeal.

13.11 On the Hearing Conference—

13.11.1 The Tribunal may hold a Pre-Hearing Conference prior to any hearing of an Appeal and give such directions as it considers appropriate for the just, speedy and inexpensive determination of the Proceeding, including making any determination as to whether the Tribunal has jurisdiction to hear the appeal.

13.11.2 If any Interested Party is identified at any Pre-Hearing Conference or otherwise in relation to any Appeal (Rule 19), the Registrar shall send to such parties—

- (a) the Application for Appeal;
- (b) the Appeal Brief;
- (c) the Statement of Defence;
- (d) a copy of these Rules

Rules of the Sports Disputes Tribunal of PNG

- (e) copies of any other supporting documents filed by the parties; and
 - (f) a copy of the directions made at or after any Pre-Hearing Conference, and,
- request the Interested Party to advise the Tribunal as to whether or not they wish to be involved in the Appeal Proceedings by completing and returning to the Tribunal Form 4 by the date specified on the Form.

13.11.3 There may be more than one Pre-Hearing Conference prior to the hearing, as determined by the Chairperson or a Deputy Chairperson.

13.12 On the Hearing of an Appeal—

13.12.1 An appeal shall usually be determined by the Tribunal following a hearing.

13.12.2 If, the Chairperson and the parties agree, the Appeal may be determined by the Tribunal by reference only to the documents filed, without hearing from the parties or others in person.

13.12.3 An appeal shall be held—

- (a) as soon as practicable after any Pre-Hearing Conference, or if there is no Pre-Hearing Conference, as soon as possible after the parties have filed the appropriate documents as set out in these Rules.
- (b) in such manner as the Tribunal determines, including a hearing by telephone conference, video conference, or in person, or a combination of such means.
- (c) at a venue and location in Papua New Guinea which is most convenient to all the parties, and the Tribunal Members, as determined by the Chairperson.

13.12.4 The procedure for the hearing shall be determined by the Tribunal as it considers appropriate according to the principles of natural justice.

13.13 On the Scope of Appeals—

13.13.1 All Appeals shall be by way of a rehearing.

13.13.2 The evidence in an Appeal shall be brought before the Tribunal by one or more of the following means, as determined by the Tribunal—

- (a) the transcript (if available) of the hearing, if any, before the National Federation and/or the Papua New Guinea Olympic Committee (as applicable);
- (b) copies of any written statements read by a person, or produced, at the hearing before the National Federation and/or the Papua New Guinea Olympic Committee (as applicable);
- (c) by the parties agreeing to statements of fact;
- (d) by rehearing all or part of the evidence afresh; and/or

- (e) by hearing and receiving further evidence on questions of fact either by oral evidence or in writing.

13.14 The Onus—

13.14.1 Subject to Rule 13.14.2, in the absence of any direction in the applicable rules or policies of the National Federation and/or the Papua New Guinea Olympic Committee in any Appeal, the onus shall be on the Appellant to prove that the National Federation and/or the Papua New Guinea Olympic Committee erred on one or more of the grounds set out in the Application for Appeal.

13.14.2 If the Appeal relates to a decision involving an Anti-Doping Rule Violation, the Tribunal shall accept as a proven fact, the result of a test conducted by a Drug Testing Authority, or a determination of a doping infraction under section of the Papua New Guinea Sports Drug Agency Act , or a determination by the Papua New Guinea Sports Drug Agency under section of the Papua New Guinea Sports Drug Agency Act.

13.15 The Decision of the Tribunal—

13.15.1 After hearing the Appeal, or considering the documents filed in respect of the Appeal, the Tribunal may make such orders as are consistent with the applicable rules or policies of the National Federation and/or the Papua New Guinea Olympic Committee, or in: the absence of such orders, any of the following orders—

(a) allow the Appeal, and 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 National Federation and/or the Papua New Guinea Olympic Committee and/or the National Federation's members, 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 National Federation and/or its members;
- (iv) fines, imposed in such manner and in such amount as the Tribunal thinks fit;
- (v) such other penalty as the Tribunal considers commensurate with the offence; and/or
- (vi) such combination of any of the above penalties as the Tribunal thinks fit.

(b) in Appeals relating to Selection or Non-Selection—

- (i) allow the appeal and as a matter of usual practice, but in the discretion of the Tribunal, refer the question of Selection back to the National Federation and/or the Papua New Guinea Olympic

Rules of the Sports Disputes Tribunal of PNG

- Committee for determination in accordance with the applicable Selection Criteria;
- (ii) allow the appeal and conclusively determine the issue of Selection of the Appellant if—
 - (A) it would be impractical to refer the question of Selection back to the National Federation and/or the Papua New Guinea Olympic Committee in the time available in which entries to the relevant event or competition are to be submitted; or
 - (B) there has been such disregard of the Selection Criteria by or on behalf of the National Federation and/or the Papua New Guinea Olympic Committee that a reasonable person could reasonably conclude that it is unlikely that the Selection Criteria will be properly followed and/or implemented.
 - (c) dismiss the Appeal;
 - (d) substitute any decision which ought to have been given by the National Federation and/or the Papua New Guinea Olympic Committee whose decision is the subject of the Appeal, including increasing any penalty imposed;
 - (e) recommend to Papua New Guinea Sports Federation and Olympic Committee Incorporated, and/or the Papua New Guinea Olympic Committee that funding and/or services made available to the Appellant (or any person, involved in the Appeal other than merely as a witness) or the National Federation be suspended or withdrawn, and/or recommend that changes be made to any applicable rules, policies, or procedures of the relevant National Federation.
- 14. ASSISTANCE PROCEEDINGS** (includes National Significance, Interpretation and Other Matters in Special Cases)
- 14.1** Except as otherwise directed by the Tribunal, where there is a sports related dispute of National Significance, or related to any Other Matter in a Special Case, which the parties (which may include a sports organization other than a National Federation) agree in writing to refer to the Tribunal under Rules 6.1(a) or (b), the Proceedings shall proceed as set out in Rules 13.2 to 13.7 inclusive.
- 14.2 For the Commencement of Proceedings under Rule 13.1—**
- 14.2.1** To commence Proceedings under Rule 13.1, one of the parties shall file with the Tribunal an application ("Application for Assistance") for the Tribunal to hear and determine the matter in Form 10, which shall include the original written agreement of the parties to refer the matter to the Tribunal.

- 14.2.2 In addition to the Application and written agreement, the parties shall each pay a filing fee of K250 (inclusive of GST) to the Tribunal.
- 14.2.3 The Tribunal may, upon application by any party, waive all or part of the filing fee in respect of that party in cases of hardship. The party seeking such waiver must submit evidence of hardship with their application.
- 14.2.4 Upon receiving an Application for Assistance Proceedings and the filing fees, the Registrar shall as soon as is reasonably practicable thereafter:
- (a) liaise with the Chairperson and the Tribunal Members to convene a Tribunal to determine whether the Tribunal will accept the reference and, if so, to hear and determine the matter and to determine the date and time of any Pre-Hearing Conference;
 - (b) notify the parties of:
 - (i) the names of the Tribunal Members who will deal with the Proceedings;
 - (ii) the date and time of any Pre-Hearing Conference;
 - (iii) the right to be represented (as set out in Rule 17);
 - (iv) at the discretion of the tribunal, the matters to be discussed and determined at the Pre-Hearing Conference;
 - (v) notify the parties that they must each serve and file a Statement of Position in Form 11 within ten (10) Working Days.
- 14.3 **In the Statement of Position—**
- 14.3.1 Both parties shall file a Statement of Position with the Tribunal no later than 10 Working Days from the date the Application for Assistance Proceedings was filed with the Tribunal or such other time period as determined by the Chairperson.
- 14.3.2 The Statements of Position shall be in Form 11 and shall include the following:
- (a) A statement or statements setting out the facts of the matter;
 - (b) A written submission setting out the relief or outcome sought and why;
 - (c) An outline of all evidence and exhibits upon which the party intends to rely upon in the Proceedings.
- 14.4 **For Pre-Hearing Conference—**
- 14.4.1 The Tribunal may hold a Pre-Hearing Conference prior to any hearing of Application for Assistance Proceedings and give such directions as it considers appropriate for the just, speedy and inexpensive determination of the Proceeding, including making any determination as to whether the Tribunal will accept the reference for assistance.

- 14.4.2 If any Interested Party is identified at any Pre-Hearing Conference or otherwise in relation to any Appeal (Rule 19), the Registrar shall send to such party:
- (a) copies of any documents filed by the parties; and
 - (b) a copy of the directions made at or after any Pre-Hearing Conference;
- and request the Interested Party to advise the Tribunal as to whether or not they wish to be involved in the Proceedings by completing and returning to the Tribunal Form 5 by the date specified on the Form.
- 14.4.3 There may be more than one Pre-Hearing Conference prior to the hearing, as determined by the Chairperson or a Deputy Chairperson.
- 14.5 **The Evidence** in support of the application may be produced in writing or orally, or a combination of both, as determined by the Chairperson or a Deputy Chairperson.
- 14.6 **For the Hearing—**
- 14.6.1 The Application for Assistance shall usually be determined by the Tribunal following a hearing.
- 14.6.2 If the Chairperson and the parties agree, the Proceedings may be determined by the Tribunal by reference only to the documents filed, without hearing from the parties or others in person.
- 14.6.3 The hearing shall be held as soon as practicable after any Pre-Hearing Conference, or if there is no Pre-Hearing Conference, as soon as possible after the parties have filed the appropriate documents as set out in these Rules. The hearing shall be held in such manner as the Tribunal determines, including a hearing by telephone conference, video conference, or in person, or a combination of such means.
- 14.6.4 The hearing shall be held at a venue and location in Papua New Guinea which is most convenient to all the parties, and the Tribunal Members, as determined by the Chairperson.
- 14.6.5 The procedure for the hearing shall be determined by the Tribunal as it considers appropriate according to the principles of natural justice.
- 14.7 **In the matter of Relief**, the Tribunal may impose such penalty and or grant such relief to a party or parties in the Application for Assistance Proceedings as it thinks fit, taking into account the issues which the parties have referred to the Tribunal for determination.

14.8 In Interpretation Disputes—

14.8.1 Where the parties have referred a dispute relating to a document to the Tribunal for a final and binding interpretation pursuant to Rule 6.1(b), the Proceeding shall be commenced under Rule 13.1 and proceed as set out in Rule 13.2.

14.8.2 Rules 13.1 to 13.7 shall apply with such modifications as may be necessary and the Chairperson or Deputy Chairperson may direct.

14.8.3 The Tribunal's decision as to the interpretation of the document in issue shall be final and binding, and shall not be questioned in any Court of law or other tribunal.

15. REGISTRY.

15.1 The registry of the Tribunal, also known as the Tribunal office, shall be situated at the offices of Papua New Guinea Sports Federation and Olympic Committee Incorporated or at such other place as determined by the Executive Board.

15.2 All documents which are to be filed with the Tribunal shall be sent to the Registrar of the Tribunal at the following address:

The Registrar
PNG Sports Disputes Tribunal
P O Box 467
BOROKO, NCD
Phone: (675) 325 1411/325 1449
Facsimile: (675) 325 1851
Email: pngsportsfed@pngsfoc.org.pg/pngolycom@pngsfoc.org.pg
Website:

16. LANGUAGE AND CULTURAL RECOGNITION

16.1 Subject to Rules 16(2), 16(3) and 16(4), the language of the Tribunal shall be English and every aspect of the Proceedings, including written and verbal communications, shall be in English.

16.2 The Tribunal shall take into account the principles of the National Constitution and subject to Rule 16(3), any person, including any party and any person giving evidence before the Tribunal; wishing to do so in any Proceedings before the Tribunal may speak in Motu or Tok Pisin.

16.3 Any person wishing to speak in Motu or Tok Pisin in any Proceeding shall give not less than 48 hours written notice to the Tribunal of that fact, and must obtain a translator to provide a translation of the Motu or Tok Pisin language spoken in any such Proceeding. The cost of the translator shall usually be met by the Tribunal, subject to the Tribunal, in its discretion, determining in any case that the cost shall be met in whole or in part by the person requiring the translator or any other party to the Proceeding.

Rules of the Sports Disputes Tribunal of PNG

16.4 The Tribunal shall have regard to the aims, aspirations and any cultural differences of any ethnic or minority group which is party to, or involved in, any Proceedings.

16.5 For translations of the proceedings—

16.5.1 On application in writing by any party, or any person giving evidence in any Proceedings before the Tribunal, who wishes to speak in a language other than English or Motu or Tok Pisin, the Tribunal may hear evidence from such party or person through a translator.

16.5.2 If the Tribunal permits a translator under Rule 16.5.1, 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.

17. COMMUNICATIONS.

17.1 All documents filed by a party with the Tribunal must have the name, address for service, phone, facsimile, mobile and email address of the party or, if applicable, the person representing such party.

17.2 Every document which is filed with the Tribunal shall also be served on all other parties in the Proceedings at the address for service notified by the other party in its documents in the Proceedings.

17.3 Documents to be filed with the Tribunal, or served on another party, shall be sent by post, courier, email, or facsimile or delivered in person.

17.4 Where a document is served on a party or person under these Rules, the document shall be deemed to have been served as follows—

(a) If delivered in person between the hours of 9.00am and 5.00pm, then on that day, and if such delivery is outside of these hours, then on the next Working Day;

(b) if posted, then on the earlier of—

(i) the 5th Working Day after the day on which it was posted;
or

(ii) the day on which it was received;

(c) if transmitted by facsimile number or by email, then on the day on which it was transmitted, unless such transmission commenced after 5.00pm, in which case it shall be the next Working Day.

18. REPRESENTATION

The parties, including any Interested Parties, may be represented or assisted in the Proceedings by a person of their choice. The name, address, telephone and facsimile numbers of the person representing a party shall be communicated to the Registrar.

19. MINORS

19.1 A person who has not attained the age of 18 years, (referred to in these Rules as a "Minor") may be a party to, and shall be bound by, Proceedings in the Tribunal as if the Minor were a person of full age and capacity.

19.2 Where a Minor is a party to any Proceedings, 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. A Minor shall be responsible for any costs incurred as a result of such representation.

20. INTERESTED PARTIES

20.1 Any person or organization, not being an original party to any Proceeding, who may be affected by or who has a sufficiently close interest in the outcome of any Proceeding may be joined as an Interested Party by order of the Tribunal, either upon the invitation of the Tribunal or at the request of the Interested Party.

20.2 Every Interested Party joined under Rule 19 shall be bound by these Rules, and any directions and the decision of the Tribunal, and shall have the same rights and obligations as the other parties to the Proceeding. In particular, an Interested Party may participate in Proceedings to the extent they wish to do so, including filing written submissions, participating by telephone or attending the hearing in person. They shall be required to file and serve such evidence and submissions in response to the documents filed by the other parties. Copies of any such evidence or submissions shall be sent to the other parties to the Proceedings.

21. CONFIDENTIALITY

21.1 All Proceedings of the Tribunal shall be held in public, unless otherwise directed by the Tribunal.

21.2 Except as otherwise directed by the Tribunal, documents and materials filed in any Proceedings, and the record of hearing itself, shall be available to the public, subject to any applicable law to the contrary.

21.3 Subject to Rule 21(4), all decisions of the Tribunal (which for avoidance of doubt includes interim decisions and directions of the Tribunal) may be made public, unless otherwise ordered by the Tribunal.

21.4 The Tribunal may order that the name of, or any information tending to identify any party, person or organization involved in any Proceedings be suppressed from publication in any written decision of the Tribunal made available publicly.

21.5 Any party, including any Interested Party, or any person appearing or giving evidence before the Tribunal may apply at any time for any part of the Proceeding to be kept confidential including any document, evidence or submissions (or any part of them), or any other part or

parts of the hearing or the Proceeding generally. The Chairperson or a Deputy Chairperson shall consider and decide upon such application.

22. APPLICABLE LAW

The Tribunal shall hear and determine all Proceedings according to the laws of Papua New Guinea. .

23. DECISIONS OF THE TRIBUNAL

23.1 The decision of the Tribunal in any Proceeding shall be made by a majority decision of the Tribunal Members hearing the Proceeding.

23.2 The decision of the Tribunal in all Proceedings shall usually be given orally at, or shortly after, the conclusion of the hearing. The Tribunal may, however, defer delivering its decision due to the complexity of the matter, availability of Tribunal Members, or such other factors as it considers appropriate.

23.3 In all Proceedings, the Tribunal shall provide a written decision with reasons, which shall be sent to the parties within 10 Working Days of the delivery of any oral decision of the Tribunal, unless the time period is extended in the discretion of the Tribunal within the said 10 Working Days.

23.4 The decision of the Tribunal shall take effect upon the Tribunal delivering its oral decision, or in the absence of an oral decision, upon the date of the written decision, or such other date as specified by the Tribunal in its decision.

23.5 In addition to its decision, the Tribunal may make non-binding recommendations to a National Federation arising out of any Proceeding.

24. REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION

24.1 The Tribunal may at any time prior to or during any Proceedings, and if it considers it appropriate, recommend to the parties that they consider alternative dispute resolution procedures such as mediation, arbitration or conciliation to attempt to resolve the Proceedings by agreement.

24.2 A recommendation made under Rule 23(1) is not binding on the parties but may be taken into account by the Tribunal on the question of any costs imposed under Rule 26.

24.3 If the parties wish to pursue alternative dispute resolution procedures, then they shall determine and arrange the manner in which such procedure will be undertaken. Nothing in these Rules shall prevent a Tribunal Member from participating in any such alternative dispute resolution procedures, provided that if the matter is subsequently heard and determined by the Tribunal, that Member shall not participate in the Proceeding.

- 24.4 If the parties, following and in terms of a recommendation of the Tribunal under Rule 23(1), pursue an alternative dispute resolution procedure and nominate a mediator or arbitrator from a panel provided by Papua New Guinea Sports Federation and Olympic Committee Incorporated, the costs of the alternative dispute resolution procedure shall be borne by the Tribunal irrespective of the outcome of that procedure, unless the Tribunal in its discretion directs otherwise.
- 24.5 If the parties undertake alternative dispute resolution procedures, the Tribunal may make such orders as it considers appropriate, including timetable orders, in relation to the matter and the status of the Proceedings before it.

25. ENFORCEMENT, REVIEW AND APPEALS AGAINST TRIBUNAL DECISIONS

- 25.1 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 Papua New Guinea under the law of contract. Except to the extent set out in these Rules which permit a right of appeal, every decision of the Tribunal shall be final and binding and shall not be questioned in any Court of law.
- 25.2 *Appeals:* Subject to Rule 14.8.3, a party to a Proceeding under these Rules may appeal to the Court of Arbitration for Sport in accordance with the Code of Sports Related Arbitration against any decision of the Tribunal in any Proceedings in the following circumstances only—
- (a) if the rules or policies of a relevant International Federation or National Federation so provide; or
 - (b) in any other case, on the grounds that—
 - (i) the making of the Tribunal's decision was induced or affected by fraud or corruption; or
 - (ii) a breach of the rules of natural justice occurred:
 - (A) during the Proceedings; or
 - (B) in connection with the making of the Tribunal's decision.
- 25.3 Any appeal to the Court of Arbitration for Sport shall be filed within fifteen (15) Working Days of the date of a written decision of the Tribunal.
- 25.4 An appeal shall not operate as a stay of proceedings on the decision to which the appeal relates unless the Tribunal or the Court of Arbitration for Sport so orders.

26. COSTS

- 26.1 The parties to any Proceeding may, or upon the direction of the Tribunal, shall provide the Tribunal with details of the costs of the parties, witnesses, experts and interpreters.

26.2 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 think just. In exercising its discretion under this Rule, the Tribunal shall usually make an order that requires each party to bear their own costs or an order imposing on a party the payment of costs limited to a symbolic amount. In exceptional circumstances, the Tribunal may make orders for payment of more substantial amounts, taking into account the outcome of the Proceeding; whether the Proceeding was without merit; the way in which the parties conducted themselves in the Proceeding; and such other factors as the Tribunal considers just.

26.3 Subject to any direction by the Tribunal extending the time for payment, any costs awarded shall be paid by the party concerned within ten (10) Working Days of the Tribunal's decision as to costs. The failure by any party to pay such costs will entitle the party in whose favor the costs have been made, or the Tribunal (as the case may be) to enforce payment of the costs as a contractual debt in the ordinary courts.

27. FRIVOLOUS AND VEXATIOUS PROCEEDINGS

If the Tribunal considers at anytime during any Proceedings that the matter is frivolous or is brought for vexatious reasons, it may dismiss the matter. The Tribunal may also make an order as to costs in such Proceedings, in accordance with Rule 26.

28. HIGH USER LEVY

28.1 The Executive Board may charge a National Federation a high user levy if in any Particular calendar year that National Federation is a party in three or more Proceedings before the Tribunal.

28.2 The amount of the high user levy shall be determined by the Executive Board annually.

28.3 All National Federation will be notified of such levy and it will also be published on the Tribunal's email or website.

SCHEDULE "A"

Rule 9.10(a)

Remuneration of Tribunal Members

SCHEDULE "B"

Rule 9.10(b)

Allowances and Fees

Index to Appendices

Form 1	Application for Anti-Doping Rule Violation Proceedings
Form 2	Notice to Defendant in Anti-Doping Rule Violation Proceedings
Form 3	Notice of Defence in Anti-Doping Rule Violation Proceedings
Form 4	Notice to Interested Party
Form 5	Notice from Interested Party
Form 6	Statement of Defence in Anti-Doping Rule Violation Proceedings
Form 7	Application for Appeal Proceedings (includes selection appeals)
Form 8	Appeal Brief
Form 9	Statement of Defence in an Appeal
Form 10	Application for Assistance Proceedings (includes National Significance, Interpretation and Other Matters in Special Cases)
Form 11	Statement of Position in Proceedings of National Significance, Document Interpretation and Other Matters in Special Cases

1. Details of the National Sport Organisation ("the Applicant")

Name of NSO _____

Postal Address _____

Contact Person for this application:

Name _____ Position _____

Telephone(Wk) _____ Mobile _____

Facsimile (Wk) _____ Email _____

2. Details of the athlete ("the Defendant")

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

Name _____

Postal Address _____

Telephone (Wk) _____ (Hm) _____

Facsimile (Wk) _____ (Hm) _____

Mobile _____ Email _____

3. Details of Representative

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

Name of Representative _____

Firm/Company _____

Postal Address _____

Contact Person for this application:

Name _____ Position _____

Telephone (Wk) _____ Mobile _____

Facsimile (Wk) _____ Email _____

4. Interested Parties

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

(Continue on separate page if necessary)

Name _____
Postal Address _____
Telephone (Wk) _____ (Hm) _____
Facsimile (Wk) _____ (Hm) _____
Mobile _____ Email _____

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

5. Does the Tribunal have jurisdiction to hear this matter?

The Tribunal can only hear an Application for Anti-Doping Rule Violation Proceedings, if either

- (a) *the rules or policies of the National Sports Organisation refer this matter to this Tribunal, or*
- (b) *the National Sports Organisation and the Defendant have agreed in writing to refer this matter to the Tribunal (eg in an athlete's contract).*

Please specify below how you consider the Tribunal has jurisdiction to determine this matter, and attach a copy of the relevant rules, policy or written agreement (signed by both parties) to this application.

By filing this application, the National Sports Organisation hereby certifies that the Tribunal has the jurisdiction to hear and determine this dispute and in particular that no other tribunal, authority or body has such jurisdiction.

6. Information of Doping Offence

If you have received a notice from a Drug Testing Authority that the Defendant has committed an Anti-Doping Rule Violation (eg returned a positive test result, or failed to submit to a test), then please attach a copy of this notice to this application.

If the alleged Anti-Doping Rule Violation arises in other circumstances (eg trafficking, aiding and abetting a doping offence), please set out in detail the information the National Sports Organisation has received which gives rise to the allegation that an Anti-Doping Rule Violation may have been committed, including details of when and how you received such information

(Continue on separate page if necessary)

7. Urgency

Are there grounds for suggesting these proceedings should be heard on an urgent basis? Yes [] No []

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

8. Outcome Sought

Please specify the outcome sought by the National Sports Organisation in accordance with its applicable doping rules/policies.

9. Signature on Behalf of National Sports Organisation

In signing this application on behalf of the National Sports Organisation you undertake you are duly authorised to commence these proceedings and to sign on behalf of the National Sports Organisation.

Signed _____ Name (print) _____
Position _____ Date _____

IMPORTANT INSTRUCTIONS FOR FILING APPLICATION

To file this application you must:

- (a) complete and sign this application form;
- (b) pay a filing fee of K500.00 (inclusive of GST);
- (c) attach a copy of the NSO's constitution, rules and the applicable doping rules or policies (which may include the applicable rules of the sports International federation regarding doping);
- (d) attach a copy of the notice from the Drug Testing Authority (if applicable);

and send all of the above, as soon as practicable and **within 5 working days** of having received the information regarding the alleged Anti-Doping Rule Violation (eg notice from Drug testing Authority).
Contact details are:

The Registrar
PNG Sports Disputes Tribunal
P O Box 467
BOROKO, NCD

Phone: (675) 325 1411/325 1449
Facsimile: (675) 325 1851

Email: pngsportsfed@pngsfoc.org.pg/pngolycom@pngsfoc.org.pg
Website:

FORM 2

**NOTICE TO DEFENDANT IN
Anti-Doping Rule Violation Proceedings**

TO: _____ (name of Defendant)

OF: _____ (address)

TAKE NOTICE that on/...../....., _____ (name of NSO) filed an application with the Tribunal alleging that you have committed an Anti-Doping Rule Violation under its rules and/or policies ("the Application for Anti-Doping Rule Violation Proceedings").

Enclosed with this Notice, is a copy of the Application for Anti-Doping Rule Violation Proceedings and accompanying documents filed by your National Sports Organisation.

This Application will be referred to the Tribunal to be heard and determined, if:

- (a) you wish to defend this Application, or
- (b) you admit the Anti-Doping Rule Violation, but still wish to participate in a hearing to make submissions on any penalty which might be imposed; or
- (c) you admit to the Anti-Doping Rule Violation and do not wish to participate in a hearing and understand that a penalty will be determined by the Tribunal based on the Application.

- You **MUST** by 5.00pm **within 5 working days** from the date of this Notice, complete, sign and return to the Registrar a Notice of Defence in Form 3 which is enclosed.
- If you do nothing **within 5 working days** from the date of this Notice, then the Tribunal may hear and determine the Application in your absence, including imposing a penalty on you if you are found to have committed an Anti-Doping Rule Violation.
- If you need more time to complete and return the Notice of Defence, you must apply for an extension of time from the Tribunal (refer to rule 10.5 of the Rules).
- You should read the Rules of the Tribunal carefully. These are enclosed in order that you understand your rights and obligations. You are entitled to seek advice on this matter and to be represented by a person of your choice. If you have questions regarding this matter please contact the Registrar on (675) 000 0000 or email on :

Registrar
Sports Disputes Tribunal

Date _____

FORM 3

**NOTICE OF DEFENDANT IN
Anti-Doping Rule Violation Proceedings**

I, _____ (name of Defendant)

OF: _____ (address)

acknowledge that I have received the Notice to Defendant in Anti-Doping Rule Violation Proceedings which refers to the Application for Anti-Doping Rule Violation Proceedings and accompanying documents filed with the Tribunal by _____ (name of NSO)

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

I wish to defend the Application and will be filing my Statement of Defence and wish to participate in the Proceedings in accordance with the Rules of the Tribunal;

I admit to the Anti-Doping Rule Violation as stated in the Application, but still wish to participate in the Proceedings by making submissions on any penalty which might be imposed on me by the Tribunal;

I admit to the Anti-Doping Rule Violation as stated in the Application and do not wish to participate in the hearing. I acknowledge that the Tribunal may impose a penalty on me without holding a hearing of the parties and that I will be notified of any such penalty at the above address for service.

Signed _____

Date _____

IMPORTANT INSTRUCTIONS FOR FILING DEFENCE

This form must be completed, signed and returned to the Registrar by 5.00pm within 5 working days of the date of the Notice to Defendant in the Anti-Doping Rule Violation Proceedings. Contact details are:

The Registrar
PNG Sports Disputes Tribunal
P O Box 467
BOROKO, NCD
Phone: (675) 325 1411/325 1449
Facsimile: (675) 325 1851
Email: pngsportsfed@pngsfoc.org.pg/pngolycom@pngsfoc.org.pg
Website:

You must also send a copy of this Notice of Defence to your National Sports Organisation at the address shown on the Application for Anti-Doping Rule Violation Proceedings and at the same time as you file it with the Tribunal.

FORM 4

NOTICE TO Interested Party

TO: _____ (name)

OF: _____ (address)

TAKE NOTICE that on/...../....., an application was made to the Tribunal by _____ (name of NSO)

in which: (please tick the appropriate box)

it is alleged that _____ (name of Defendant) has committed an Anti-Doping Rule Violation under the rules and/or policies of their National Sports Organisation;

an appeal against the decision of _____ (name of NSO)

made on/...../....., regarding:
(briefly describe nature of appeal eg non-selection, misconduct)

it is claimed that you are in dispute regarding a matter of national significance regarding:
(briefly describe nature of dispute)

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

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

If you wish to participate in the Proceedings, you must complete, sign and return Form 5 to the Registrar of the Tribunal by 5.00pm on _____ (date).

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

Rules of the Sports Disputes Tribunal of PNG

- If you do wish to participate in the Proceedings you will be regarded as a party to the Proceedings and have all the rights and obligations of a party under the Rules of the Tribunal, including the right to be represented by a person of your choice and the obligation to meet your own costs.
- If you do not wish to participate in the Proceedings you should contact the Registrar on (675) 000 0000 or email on _____ and advise them of this fact.
- If you do nothing, the Tribunal will proceed with the hearing without any further reference to you.
- If you need more time to complete and return the Form, you must apply for an extension of time from the Tribunal (refer to Rule 10.5 of the Rules).
- You should read the Rules of the Tribunal which are enclosed carefully in order that you understand your rights and obligations.
- If you have any questions regarding this matter please contact the Registrar on .

The Registrar
PNG Sports Disputes Tribunal
P O Box 467
BOROKO, NCD
Phone: (675) 325 1411/325 1449
Facsimile: (675) 325 1851
Email: pngsportsfed@pngsfoc.org.pg/pngolycom@pngsfoc.org.pg
Website:

Registrar
Sports Disputes Tribunal

Date _____

FORM 5

**NOTICE FROM
Interested Party**

I, _____ (name)
OF: _____ (address)

acknowledge that I have received the Notice to Interested Party which refers to the Application for Anti-Doping Rule Violation Proceedings/Appeal/Application for Assistance Proceedings (strike out as applicable) and accompanying documents filed with the Tribunal by:

_____ (name)

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

I do wish to participate in the Proceedings;

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

Signed _____ Date _____

IMPORTANT INSTRUCTIONS FOR FILING NOTICE

This form must be completed, signed and returned to the Registrar by (Date).
Contact details are:

The Registrar
PNG Sports Disputes Tribunal
P O Box 467
BOROKO, NCD
Phone: (675) 325 1411/325 1449
Facsimile: (675) 325 1851
Email: pngsportsfed@pngsfoc.org.pg/pngolycom@pngsfoc.org.pg
Website:

FORM 6

**STATEMENT OF DEFENCE IN
Anti-Doping Rule Violation Proceedings**

1. Parties

Name of Applicant/
National Sports
Organisation

Name of Defendant

2. Defence

As the Defendant in these Proceedings, I say that:

- (a) I admit/deny (*strike out as applicable*) the Anti-Doping Rule Violation as stated in the Application for Anti-Doping Rule Violation Proceedings filed with the Tribunal by the National Sports Organisation;
- (b) I do /do not (*strike out as applicable*) consider the Tribunal has jurisdiction to hear and determine these Proceedings, and if I do not, see my reasons specified below;
- (c) I respond to each of the allegations stated in the Application as set out below.

3. Jurisdiction of Tribunal

I do not accept that the Tribunal has jurisdiction to hear and determine this matter for the following reasons:

(Complete this section only if you object to the Tribunal's jurisdiction. Please refer to Rule 6.1 of the Tribunal Rules which sets out the Tribunal's jurisdiction.)

4. Response to the Application

In response to the Application, I say that:

Please set out in detail your response to the facts contained in the Application, including the proposed outcome or penalty sought by the National Sports Organisation.

Please note that if you have objected to the Tribunal's jurisdiction you will still need to complete this section. This will not be taken as acceptance of such jurisdiction

(Continue on separate pages if necessary)

5. Evidence

The following is an outline of the evidence I will produce at the hearing:

Please outline what you and your witnesses will say in your defence.

(Continue on separate pages if necessary)

IMPORTANT INSTRUCTIONS FOR FILING STATEMENT OF DEFENCE

To file this Statement of Defence you must complete and sign this form and send it **within 5 working days** of the date on the Notice to Defendant of Anti-Doping Rule Violation Proceedings. Contact details are:

The Registrar
PNG Sports Disputes Tribunal
P O Box 467
BOROKO, NCD
Phone: (675) 325 1411/325 1449
Facsimile: (675) 325 1851
Email: pngsportsfed@pngsfoc.org.pg/pngolycom@pngsfoc.org.pg
Website:

You must also send a copy of this Statement of Defence to the National Sports Organisation at the address shown on the Application for Anti-Doping Rule Violation Proceedings at the same time as you file it with the Tribunal.

FORM 7

**APPLICATION FOR
Appeals Proceeding (Including selection appeals)**

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

Name: _____
Contact Person (if Organisation)
Name _____ Position _____
Postal Address _____

Telephone (Wk) _____ (Hm) _____
Facsimile (Wk) _____ (Hm) _____
Mobile _____ Email _____

2. Details of National Sports Organisation

Name of NSO _____
Contact Person:
Name _____ Position _____
Postal Address _____

Telephone (Wk) _____ Mobile _____
Facsimile (Wk) _____ Email _____

3. Details of Representative

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

Name of Representative _____
Firm/Company _____
Postal Address _____

Contact Person for this application:
Name _____ Position _____
Telephone (Wk) _____ Mobile _____
Facsimile (Wk) _____ Email _____

4. Interested Parties

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

Name _____
Postal Address _____
Telephone (Wk) _____ (Hm) _____
Facsimile (Wk) _____ (Hm) _____
Mobile _____ Email _____

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

5. Does the Tribunal have jurisdiction to hear this matter?

The Tribunal can only hear an application for appeal, if either:

- (a) *the rules or policies of the National Sports Organisation permit an appeal to this Tribunal, or*
- (b) *you and the National Sports Organisation have agreed in writing to refer this appeal to the Tribunal (eg in an athlete's contract).*
- (c) *you have exhausted your rights of appeal under the rules of your National Sports Organisation prior to commencing this appeal.*

Please specify below how you consider the Tribunal has jurisdiction to determine this matter, and attach a copy of the relevant rules, policy or written agreement (signed by both parties) to this application. Please also set out what steps have been taken to exhaust your rights of appeal under the rules of your National Sports Organisation.

6. Urgency

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

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

7. Decision being appealed

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

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

8. Grounds of Appeal

Please state the grounds upon which you are making your appeal. In other words what is it that you say was wrong with the decision of the National Sports Organisation.

The grounds on which you may make an appeal may be limited under the rules of your National Sports Organisation. If so, you must specify one of the grounds stated in those rules.

If your National Sports Organisation's rules do not specify any grounds of appeal, then you are limited to an appeal based on one or more of the grounds in the Rules of the Tribunal (see Rule 12.1.3) which are as follows:

- (a) that natural justice was denied;*
- (b) that the decision maker or decision making body acted outside of its powers and/or jurisdiction (ie acted ultra vires);*
- (c) that substantially new evidence has become available after the decision which is being appealed was made;*
- (d) in respect of a decision relating to misconduct, that the penalty was either excessive or inappropriate;*
- (e) in respect of a decision relating to the Selection or Non-Selection of the Appellant, that there was no applicable Selection Criteria followed, or where there is an applicable Selection Criteria, that :*
 - (i) the criteria has not been properly followed and/or implemented;*
 - (ii) the person seeking selection was not afforded a reasonable opportunity by the National Sports Organisation to satisfy the applicable Selection Criteria;*
 - (iii) the Selection decision was affected by actual bias; or*
 - (iv) there was no material on which the Selection decision could reasonably be based.*

You must specify which grounds you are relying on in your appeal below. You will be required to set out the facts in support of these grounds in the next document you are required to file, which is the Appeal Brief.

9. Outcome Sought

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

10. Signature of Appellant

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

Signed _____ Name (print) _____

Position _____ Date _____

IMPORTANT INSTRUCTIONS FOR FILING APPLICATION

To file this application you must:

- (a) complete and sign this application form;
 - (b) pay a filing fee of K500.00 (inclusive of GST) *;
 - (c) attach a copy of the decision being appealed
 - (d) attach a copy of the applicable rules or policies of the National Sports Organisation.
- and send all of the above, **within the time limit for an appeal as set out in the rules and/or policies of the National Sports Organisation or in the absence of such time limit, within 15 working days** from the date you were notified of the decision by the National Sports Organisation. Contact details are:

The Registrar
PNG Sports Disputes Tribunal
P O Box 467
BOROKO, NCD

Phone: (675) 325 1411/325 1449
Facsimile: (675) 325 1851
Email: pngsportsfed@pngsfoc.org.pg/pngolycom@pngsfoc.org.pg
Website:

You must also send a copy of this Application for Appeal to the National Sports Organisation at the same time as you file it with the Tribunal. * You may apply to the Tribunal to waive all or part of the appeal fee if you can show hardship (refer Rule 12.3.2). You must write to the Tribunal and submit evidence of your hardship with this application.

FORM 8

APPEAL BRIEF

1. Parties

Name of Appellant _____

Name of National Sports _____

Organisation _____

2. Appeal

As the Appellant I/we wish to appeal the decision of the National Sports Organisation dated/...../....., upon the grounds set out in my/our Application for Appeal.

The facts supporting those grounds of appeal are as follows:

Please set out your version of events leading up to the decision of the National Sports Organisation and surrounding the decision itself. You must also attach to this application, copies of any statements of evidence from your witnesses and exhibits which you intend to rely upon in this appeal.

(Continue on separate pages if necessary)

3. Grounds of Appeal

By referring to the grounds of appeal specified in your Application for Appeal, please make submissions on why and how you consider the decision of the National Sports Organisation was wrong or incorrect?

4. Outcome

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

5. Signature of Appellant

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

Signed _____ Name (print) _____

Position _____ Date _____

IMPORTANT INSTRUCTIONS FOR FILING APPEAL BRIEF

To file this application you must:

- (a) complete and sign this form;
- (b) attach any statements of evidence from any witnesses, including yourself which you intend to rely on in this appeal;
- (c) attach any other evidence or exhibits which you intend to reply on in this appeal;

and send all of the above, **within 5 working days** from the date you filed your Application for Appeal. Contact details are:

The Registrar
PNG Sports Disputes Tribunal
P O Box 467
BOROKO, NCD

Phone: (675) 325 1411/325 1449

Facsimile: (675) 325 1851

Email: pngsportsfed@pngsfoc.org.pg/pngolycom@pngsfoc.org.pg

Website:

You must also send a copy of this Appeal Brief to the National Sports Organisation at the same time as you file it with the Tribunal.

5. Response to Grounds of Appeal

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

6. Signature of National Sports Organisation

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

Signed _____ Name (print) _____

Position _____ Date _____

IMPORTANT INSTRUCTIONS FOR FILING APPEAL BRIEF

To file this Statement of Defence you must complete and sign this form and send it **within 10 working days** from the date the National Sports Organisation received the Appeal Brief. Contact details are:

The Registrar
PNG Sports Disputes Tribunal
P O Box 467
BOROKO, NCD

Phone: (675) 325 1411/325 1449

Facsimile: (675) 325 1851

Email: pngsportsfed@pngsfoc.org.pg/pngolycom@pngsfoc.org.pg

Website:

You must also send a copy of this Statement of Defence to the Appellant at the address shown on the Application for Appeal and at the same time as you file it with the Tribunal.

FORM 10

APPLICATION FOR ASSISTANCE
(Includes National Significance, Interpretation or
Other Matters in Special Cases)

1. Details of the Applicant

Name _____

Contact Person (if Organisation):

Name _____ Position _____

Postal Address _____

Telephone (Wk) _____ (Hm) _____

Facsimile (Wk) _____ (Hm) _____

Mobile _____ Email _____

2. Details of Applicant's Representative

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

Name of Representative _____

Firm/Company _____

Postal Address _____

Contact Person for this application:

Name _____ Position _____

Telephone (Wk) _____ Mobile _____

Facsimile (Wk) _____ Email _____

3. Details of Other Party

Name _____

Contact Person (if Organisation)

Name _____ Position _____

Postal Address _____

Telephone (Wk) _____ (Hm) _____

Facsimile (Wk) _____ (Hm) _____

Mobile _____ Email _____

4. Details of Other Party's Representative

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

Name of Representative _____

Firm/Company _____

Postal Address _____

Contact Person for this application:

Name _____ Position _____

Telephone (Wk) _____ Mobile _____

Facsimile (Wk) _____ Email _____

5. Interested Parties

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

(Continue on separate page if necessary).

Name _____

Postal Address _____

Telephone (Wk) _____ (Hm) _____

Facsimile (Wk) _____ (Hm) _____

Mobile _____ Email _____

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

6. Does the Tribunal have jurisdiction to hear this matter?

National Significance Proceedings

The Tribunal can only hear an Application for National Significance Proceedings, if:

- (a) here is a sports related dispute of National Significance (see Rules 6.1(d) and 28 of the Rules of the Tribunal); and*
- (b) the parties have agreed in writing to refer the matter to the Tribunal.*

Interpretation

*The Tribunal can only hear a dispute relating to or involving a **substantial** question as to the interpretation, application or operation of an agreement, contract, rule, constitution or other written document where:*

- (a) the parties are unable to resolve that dispute without recourse to a Court of law; and*

- (b) *the parties have agreed in writing to refer the dispute to the Tribunal for a final and binding decision; and*
- (c) *the Tribunal in its discretion agrees to accept such reference.*

Other Matters in Special Cases

The Tribunal can only hear other matters in a special case where:

- (a) *the parties have agreed in writing to refer the matter to the Tribunal; and*
- (b) *the Tribunal in its discretion agrees to accept such reference. In determining whether to do so the Tribunal shall have regard to the matters set out in rule 6.4(b) of the Rules.*

Please specify why you consider this sports related dispute is either:

- (a) *one of National Significance; or*
- (b) *a matter of document interpretation; or*
- (c) *another matter in a special case.*

Please also attach to this Application a copy of the written agreement (signed by both parties) agreeing to refer the dispute to the Tribunal.

7. Urgency

Are there grounds for suggesting these Proceedings should be heard on an urgent basis? Yes [] No []

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

8. Nature of Dispute

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

9. Outcome Sought

Please specify the outcome you/your organisation seeks from the Tribunal.

10. Signature of Applicant or Other Party

In signing this application on behalf of the Applicant/Other Party you undertake that you are duly authorised to commence these Proceedings. The party's representative may sign on behalf of the party and in so doing undertake s/he has the authority to do so.

Signed _____ Name (print) _____

Position _____ Date _____

IMPORTANT INSTRUCTIONS FOR FILING APPLICATION

To file this application you must:

- (a) one party shall complete and sign this application form;
- (b) each party shall pay a filing fee of \$250.00 (inclusive of GST) with the Application;
- (c) attach a copy of the written agreement between the parties agreeing to the Tribunal having jurisdiction to hear and determine this dispute;
- (d) attach copies of applicable rules or policies of your sport.

Contact details are:

The Registrar
PNG Sports Disputes Tribunal
P O Box 467
BOROKO, NCD

Phone: (675) 325 1411/325 1449

Facsimile: (675) 325 1851

Email: pngsportsfed@pngsfoc.org.pg/pngolycom@pngsfoc.org.pg

Website:

You must also send a copy of this Application to the other party to the dispute at the same time as you file it with the Tribunal.

FORM 11

STATEMENT OF POSITION IN PROCEEDINGS OF National Significance, Interpretation or Other Matters in Special Cases)

1. Parties

Name of Applicant _____

Name of Other Party _____

2. Details of Application / Response to Application

Please set out in detail the facts giving rise to the dispute, or if you are the Other Party, your response to the facts giving rise to the dispute, contained in the Application for Assistance. You need to attach to this Statement any statements of witnesses and any other evidence including exhibits which you intend to reply on in this dispute.

(Continue on separate pages necessary)

3. Outcome

Please specify the outcome or relief you are seeking.

4. Signature of Party

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

Signed _____ Name (print) _____

Position _____ Date _____

IMPORTANT INSTRUCTIONS FOR FILING STATEMENT OF POSITION

To file this Statement of Position each party must complete and sign this form and send it within **10 working days** from the date the Application for Assistance Proceedings was filed. Contact details are:

The Registrar
PNG Sports Disputes Tribunal
P.O. Box 467
BOROKO, NCD

Phone: (675) 325 1411/325 1449
Facsimile: (675) 325 1851

Email: pngsportsfed@pngsfoc.org.pg/pngolycom@pngsfoc.org.pg
Website:

You must also send a copy of this Statement of Position to the other party and at the same time as you file it with the Tribunal.

