

APPEALS PROCEDURE **ROWING** New South Wales

DATE: 28 September 2021

REFERENCE: Appeals Procedure

APPEALS PROCESS

Any athlete or coach who is subject of the selection process and who is aggrieved by a decision of the Rowing New South Wales (RNSW) Selectors relating to that athlete's or coach's selection or non-selection in a team or crew may appeal that decision under the following provisions.

1. GROUNDS FOR APPEAL

The only grounds upon which an athlete or coach may appeal from a decision of the RNSW Selectors are:

- a) failure to comply with the Selection Policy, or
- b) actual bias.

For the avoidance of doubt, an Athlete or Coach has no right of appeal against an act or omission of the Selection Ombudsman.

2. OUTCOME OF AN APPEAL

The Appeals Tribunal may, in its absolute discretion,

- a) Dismiss an appeal,
- b) Uphold an appeal and make a determination in substitution for the decision of the Selectors, or
- c) Uphold an appeal and require the Selectors to conduct further testing and/or to reconsider the matter.

The intention of this Clause is to provide that the Appeals Tribunal may determine the outcome of any appeal in any manner it considers appropriate in the circumstances.

3. RNSW APPEALS PROCESS

An appeal must;

- a) Be lodged with the RNSW CEO either by hand or email . If lodged by email the onus is on the Appellant to prove receipt of the email in the event of any dispute.
- b) Be lodged within 48 hours of the appealable decision having been made;
- c) Contain an acknowledgment that before the Tribunal hearing the Appellant will pay a fee of \$150 which will be refunded in the event the appeal is upheld;
- d) Contain the name, address and contact details of the Appellant;
- e) Provide details of the reasons why the appeal is brought and include any and all documents, statistics or records on which the Appellant will rely. The Tribunal may extend the time for providing documents, submissions or grounds of appeal.

- f) Contain acknowledgment that the Appellant has discussed the basis of their appeal with the Rowing NSW Ombudsman prior to lodging the appeal with Rowing NSW.
- g) State the outcome the Appellant is seeking from the appeal.

4. COMPOSITION OF THE APPEALS TRIBUNAL

The Appeals Tribunal will be convened by the Board of RNSW from time to time as required. The Appeals Tribunal will comprise three members, one of whom must be a judge, retired judge, barrister or solicitor, who shall be the chairperson.

5. CONDUCT OF APPEALS

- a) The Appeals Tribunal has an absolute discretion as to the procedures and processes by which any appeal is conducted.
- b) The Appeals Tribunal will hear any appeal as soon as practicable following an appeal having been lodged.
- c) The Appeals Tribunal will give its decision on any appeal as soon as practicable after the conclusion of the hearing and will provide the Board, the Appellant and the Selectors with a written statement of the reasons for its decision within a reasonable period.

6. CONFIDENTIALITY

Unless otherwise ordered by the Tribunal, the proceedings before the Tribunal shall remain confidential. However, the written reasons for decision provided by the Tribunal may be made public, if permitted by the Board of RNSW.