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#### Affiliations

World Squash Federation  
Australian Commonwealth Games Association  
Oceania Squash Federation  
Confederation of Australian Sport  
Australian Olympic Committee

## APPEALS PROCESS - POLICY 3

*(Appeal Process)*



### VERSION CONTROL

Version 1.0	June 2016
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#### Principal Partner



#### Official Ball



## **APPEAL POLICY**

### **Policy Overview**

Squash Australia Ltd has implemented an Appeal Policy. This policy takes effect immediately.

You will need to review the Appeal Policy and make yourself familiar with the contents of the policy.

### **What is an Appeal Policy?**

The Appeal Policy sets out the expectations of Squash Australia Ltd with regards to appeals of athletes.

### **Some important points to consider**

The Appeal Policy sets out clear guidelines and boundaries regarding the appeals of athletes.

### **What do I need to do?**

You need to read the Appeal Policy carefully and understand the expectations of Squash Australia Ltd.

## **APPEAL POLICY**

### **1. Right of Appeal**

Any player may appeal their non-selection to a Squash Australia (**SA**) team or squad as set out in this appeals process (**Appeals Process**).

### **2. Ground of Appeal**

The sole ground of any appeal is that the applicable published selection criteria (Selection Policy) were not followed in the selection of the team in question. For the avoidance of doubt, the basis of an appeal can only address procedural matters under the Selection Policy and not matters of merit.

### **3. Notice of Appeal**

1. A player must serve a written notice of appeal (Notice of Appeal) upon the Chief Executive Officer of SA (CEO) within 24 hours of the announcement of the selection decision against which the appeal is made.
2. The Notice of Appeal by the appellant must state:
  - 2.1. The name and address of the appellant;
  - 2.2. The name of the SA State Association and club to which the appellant is a member;
  - 2.3. The decision and the maker of the decision, from which the appeal is brought;

- 2.4. A short outline of the basis and reasons upon which the appeal is made; and must be accompanied by the appeal fee of \$1,000 (including GST, if any) ('Appeal Fee')
3. The Appellant must within 48 hours of the Notice of Appeal being filed, serve a written notice of the grounds of appeal (Grounds of Appeal) upon the CEO. The Grounds of Appeal must state:
  - 3.1. The arguments and/or submissions that the appellant wishes to be considered in support of his/her appeal clearly articulating the grounds on which the appeal is made;
  - 3.2. Whether the appellant wishes to rely on the oral evidence of any person (including the appellant) and set out the name, address and summary of evidence of any person other than the appellant whose evidence the appellant wishes to rely; and must be accompanied by a copy of any item of documentary evidence relied on in support of the appeal.
4. Within 48 hours of the written Grounds of Appeal being received, the CEO must serve the appellant with a written statement as to the reasons for the decision against which the appeal is made (Reasons for Decision), and at the hearing of the appeal SA may make any oral or written submissions to support those reasons. For the avoidance of doubt, the Reasons or Decision may be the minutes recording the relevant selection committee's meeting to select players to the relevant team or such other submissions as determined appropriate by SA.
5. The Appellant can withdraw the appeal at any time.
6. The time limits for lodging the Notice of Appeal, Grounds of Appeal and Appeal Fee are mandatory. Failure to comply with these time limits will, at the absolute discretion of the Appeals Tribunal, result in the appeal being dismissed without further consideration.
7. The Notice of Appeal, Grounds of Appeal and Reasons for Decision will be provided by SA to any other party directly affected by the appeal. Such affected party is entitled to provide written submissions to the Appeals Tribunal at least 24 hours prior to any Appeals Tribunal Hearing. An affected party is also entitled to appear at any Appeals Tribunal Hearing that may be convened under this Appeal Process and make oral submissions if they choose to do so.

## **PROCESS FOR CONVENING APPEALS TRIBUNAL AND HEARING**

8. On receipt of the Notice Of Appeal the CEO shall determine the three members of the appeals tribunal (Appeals Tribunal) who shall comprise the following persons:
  - 8.1. A barrister or solicitor who will chair the Appeals Tribunal;
  - 8.2. A person with thorough knowledge of the sport and who preferably has had recent international competition experience in the sport (but this qualification is not essential); and
  - 8.3. One other person of experience and skills suitable to the function of the Appeals Tribunal.
9. No person is eligible to be appointed to the Appeals Tribunal if he or she is a member of the selection panel that made the decision to which the appeal relates or is otherwise directly interested in the matter under consideration.
10. After receipt of the Notice of Appeal and Grounds for Appeal the CEO will, as soon as predictable, provide those documents, the Reasons for Decision and any other related documents or information (as requested or otherwise by the chair) to the chair of the

Appeals Tribunal. The chair of the Appeals Tribunal will consider the appellant's grounds of appeal and determine (in the chair's sole discretion) whether:

- 10.1. The matter should be dismissed because, in the opinion of the chair, there is no credible evidence, submission or argument upon which the Appeals Tribunal could be satisfied that a ground of appeal can be made out (there is no right of appeal against this decision and the chair of the Appeals Tribunal is not required to provide reasons for such decision); or
  - 10.2. The Appeal should be the subject of a hearing as set out below.
11. If the chair of the Appeals Tribunal determines under clause 10.1 that the appeal should be dismissed without a hearing, the Appeal Fee is forfeited to SA as the costs of the appeal.
  12. If the chair of the Appeals Tribunal determines under clause 10.2 that the matter warrants a hearing, the CEO will advise the appellant and in consultation with the members of the Appeals Tribunal set the date for such a hearing (Appeals Tribunal Hearing) as soon as practicable and necessary having regard to the timing of selection and the proximity of relevant events.
  13. Appeals Tribunals Hearings are to be conducted with as little formality and technicality, and with as much expedition, as proper consideration of the matter before the Appeals Tribunal permits. The Appeals Tribunal is not bound by the rules of evidence (and may inform itself as to any matter in such manner as it thinks fit) but must observe the principles of procedural fairness. Appeals Tribunal Hearings may be heard by way of teleconference or other electronic means as determined by the Appeals Tribunal.
  14. The Chairman of the Appeals Tribunal shall ensure that the appellant:
    - 14.1. Shall have every reasonable opportunity to be fully heard. The parties to an appeal may be represented at an Appeals Tribunal Hearing but not by a barrister, solicitor or legally trained person;
    - 14.2. Shall have every reasonable opportunity of calling witnesses and producing documents; and
    - 14.3. Shall have every reasonable opportunity of putting questions to any witnesses called
  15. The Appeals Tribunal may do any one or more of the following in relation to the Appeal:
    - 15.1. Reject the appeal if it fails to comply with any provision of the Selection Policy or this Appeal Process;
    - 15.2. Hear such oral evidence as it thinks fit, including hearing such evidence by telephone conference;
    - 15.3. Adjourn the Appeals Tribunal Hearing; and
    - 15.4. Examine and cross-examine witnesses.
  16. Following the consideration of all relevant and available information, the Appeals Tribunal shall arrive at a finding. The decision of the Appeals Tribunal shall be by a majority decision.
  17. The Appeals Tribunal will notify the CEO (who will in turn notify the appellant and any affected parties) of its decision as soon as practicable following the Appeals Tribunal Hearing, and usually within three business days. Where the Appeals Tribunal upholds and appeal in respect of a selection decision, it shall not make a new selection decision but will refer the matter back to the original selection committee for reconsideration with

such directions as the Appeals Tribunal considers necessary or appropriate. The Appeals Tribunal is not required to provide written reasons of its decision.

18. Where the Appeals Tribunal finds that a ground of appeal has been made out, the Appeal Fee will be returned to the appellant. Where the Appeals Tribunal finds that no grounds of appeal have been made out, the Appeal Fee will be forfeited to SA as the costs of the appeal.
19. Any further selection decision of the relevant selection committee under the direction of the Appeals Tribunal shall be final, and no further appeal shall be available to the appellant in respect of that selection.
20. The discussions and deliberations of the Appeals Tribunal shall remain confidential.
21. The decision of the Appeals Tribunal is final and there is no further right or avenue of appeal. The parties agree that the Appeals Tribunal will resolve any dispute solely and exclusively and it is further agreed that neither party will institute or maintain proceedings in any court or tribunal other than the said Appeals Tribunal.