

# Shooting Australia Appeals Policy

Version: 2.0

Version Effective: 25 February 2026



## 1. LAST AMENDED

- 16 December 2016

## 2. INTRODUCTION

- (a) Australian International Shooting Limited, trading as Shooting Australia (**SA**) selects athletes to participate, and represent SA, in competitions from time to time.
- (b) In this Appeal Policy (**Policy**):
  - (i) **Decision** means: (1) any selection decision that an athlete is ineligible for or is not selected for, that is provided for within SA's Selection Criteria (**Team**) or SA National squad (**Squad**); or (2) any decision to remove an already-selected athlete for reasons other than disciplinary action for breach of SA Athlete Agreement or other SA rules, regulations or policies.
  - (ii) A Non-Selected Athlete is the athlete that is the subject of a Decision. For the avoidance of doubt, this Policy does not permit a Non-Selected Athlete to appeal the selection of another athlete.
- (c) The Policy is binding on SA and on each Non-Selected Athlete who is seeking selection to any Team or Squad.
- (d) The Policy shall be read in conjunction with the selection criteria of the relevant Team or Squad in which the Non-Selected Athlete is seeking selection (the **Selection Criteria**).
- (e) This Policy is the only applicable appeals procedure to Decisions. The parties agree that they will not commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of the Policy, or any decision made under the Policy, before any court of law or other dispute resolution body. The parties will treat all decisions under the Policy as final and binding upon each of them.

## 3. RIGHT OF APPEAL

- (a) Any Non-Selected Athlete is entitled to appeal against their non-selection to a Team or Squad as set out in this Policy.
- (b) For the avoidance of any doubt, where an appeal arises under the Olympic or Paralympic Nomination Process (as set out in the relevant Olympic or Paralympic Team selection or nomination criteria), appeals will be governed by the provisions of the relevant Olympic Team Selection By-Law, or Paralympic Team Selection By-Law.

## 4. GROUND OF APPEAL

- (a) The sole available ground of appeal to a Decision is that the applicable Selection Criteria has not been properly followed and/or implemented in the selection of the Team or Squad.
- (b) For the avoidance of doubt, the basis of the appeal can only address procedural matters under the Selection Criteria and not matters of merit.

## 5. NOTICE OF APPEAL

- (a) To commence an appeal under this Policy, a Non-Selected Athlete affected by a Decision must submit a formal request for reasons for that Decision (**Request For Reasons**) to SA's Chief Executive Officer (**SA CEO**). If the Non-Selected Athlete fails to submit the Request for Reasons within the time limit set out in Rule 5(b) below, the Non-Selected Athlete will automatically lose their right of appeal under this Policy, unless in the opinion of the CEO (acting reasonably) it was not practical for submission to be made within the time limit.
- (b) Any Non-Selected Athlete who wishes to receive reasons for a Decision affecting that athlete must submit their Request for Reasons within three (3) business days of the Non-Selected Athlete receiving notification of the Decision against which the appeal is made (the **Notification**). For the purposes of this Appeals Policy:
  - (i) Notification is achieved by the announcement of the Team or Squad (by any format, including online publication) by SA constitutes Notification.
  - (ii) Notification does not require a personal communication to a Non-Selected Athlete.
  - (iii) The time the Non-Selected Athlete is deemed to have received the Notification is the time at which the Notification is first publicly announced (for example the time at which it is published online by SA).
- (c) Upon receipt of a Request for Reasons in accordance with Rule 5(a) and 5(b), the SA CEO shall provide the appealing Non-Selected Athlete with the reasons for the Decision (**Reasons for the Decision**). If the athlete is unsatisfied with the Reasons for the Decision they may then appeal the Decision to the General Division of the National Sports Tribunal (**NST**), pursuant to this Appeals Policy.
- (d) The Non-Selected Athlete's appeal (the **Notice of Appeal**) must:
  - (i) be made in writing using the form prescribed by the NST ;
  - (ii) be sent to the NST, and copied to the SA CEO; and
  - (iii) be accompanied by payment of the application fee (the sum and method of payment as may be required by NST from time to time) (the **Application Fee**) (unless waived by the CEO of the NST in accordance with the *National Sports Tribunal Rule 2020* or other applicable legislation).
- (e) A Notice of Appeal shall only be accepted where all steps required by Rule 5(d) are satisfied by no later than three (3) business days from the date on which the Reasons for the Decision were communicated to him/her (or such other time period as SA may have indicated in the Notification, Decision or Reasons for the Decision) (the **Time Limit for Appeal**).
- (f) The Notice of Appeal must set out the grounds of appeal and include full details of the basis of each appeal, with reference to the Reasons for the Decision. The Notice of Appeal should be as full as possible as it will form the basis of the remainder of the process and the Appeal may need to be dealt with in an expedited manner.
- (g) If a Notice of Appeal is not served by the Time Limit for Appeal, the right to appeal will lapse unless in the sole opinion of SA it was not reasonably practical for submission within the Time Limit for Appeal and an extension is granted. A Non-Selected Athlete must make their written application to the SA CEO for an extension within three (3) further business days after the Time Limit for Appeal, and must set out the reasons why

the Notice of Appeal could not be served within that time. If an extension is granted, a Notice of Appeal filed in compliance with Rule 5(d) must be filed within that extension, otherwise the right to appeal will lapse and there will be no further extensions granted.

## 6. APPEAL PROCESS

- (a) Upon receipt of a valid Notice of Appeal pursuant to Rule 4, the NST shall determine the matter in accordance with the applicable NST rules and procedures as may apply from time to time (including but not limited to the *National Sports Tribunal Act 2019*, *National Sports Tribunal Rule 2020*, *National Sports Tribunal (Practice and Procedure) Determination 2024*) (**NST Rules and Regulations**), except in so far as the NST Rules and Regulations are inconsistent with the procedural matters set out below:
- (i) The NST must provide written notice to the Non-Selected Athlete, SA and any other parties of its determination as soon as reasonably practicable after the conclusion of the hearing and in any event not more than 24 hours after the conclusion of the hearing. The NST must provide the Non-Selected Athlete, Shooting Australia and any other parties with a statement of the reasons for its determination within three (3) business days of notifying the Non-Selected Athlete of its determination.
  - (ii) Interested parties (including but not limited to athletes who have been selected) may be added to the Appeal at the discretion of the NST members appointed to determine the Appeal (the **Appeals Panel**), whether by their own volition or on application by the parties.

## 7. POWERS OF THE APPEALS PANEL

- (a) The Appeals Panel may decide that:
- (i) the Decision be set aside as it was procedurally flawed and the matter of the athlete's inclusion be remitted to SA for fresh consideration; or
  - (ii) the Decision be upheld and the athlete's appeal be dismissed.
- (b) When reconsidering and determining the Non-Selected Athlete's non-selection that is remitted to it by the Appeals Panel, SA must observe the principles of natural justice and shall comply with any direction of the Tribunal to reconsider the relevant Decision. Any Decision made by SA regarding the Non-Selected Athlete's non-selection after such referral shall be final and binding, and no further appeal shall be available to the Non-Selected Athlete in respect of that selection.
- (c) Notwithstanding above, the NST may itself determine the issue of the Non-Selected Athlete's selection, or broader decision regarding selection of the Team or Squad where the NST determines that in the Decision, SA had such material disregard for the proper application of the Selection Criteria that a reasonable person would apprehend that it is improbable that the Selection Criteria would be applied properly by SA if the decision regarding the Non-Selected Athlete's selection was referred back to SA. The NST can only exercise its power under this Rule 7(c) where no other athlete(s) is/are impacted, as any decisions on impacted athletes is required by subject matter experts.
- (d) The determination handed down by the NST is final and binding on the parties. The parties agree that the Appeal 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 Appeal Tribunal.

## 8. COSTS

- (a) SA shall reimburse the Application Fee to the Non-Selected Athlete only in the event that the Non-Selected Athlete appeal is successful (in whole or in part).
- (b) SA shall pay any service fees applied by the NST in relation to an Appeal, unless the Non-Selected Athlete withdraws or terminates their Appeal before resolution in which case the Non-Selected Athlete is responsible for the service fee.
- (c) Each party shall otherwise bear their own costs in relation to the appeal (including legal costs and attendance).

## 9. AMENDMENT

The Board of SA reserves the right to amend this Policy at its sole discretion

## 10. POLICY REVIEW

This policy will be reviewed annually or as required to ensure it remains current and effective.