



PA Classification Standard: Protests and Appeals

Last Updated June 2022

Table of Contents

Table of Contents.....	2
1. Purpose	3
2. Who does this Standard apply to?	3
3. International Sport Federation Role and Responsibilities.....	4
4. PA Roles and Responsibilities	4
5. NSO/NSOD Roles and Responsibilities	5
Protests.....	6
6. Levels of Classification Protests.....	6
7. General Principles of all Classification Protests.....	6
8. Protests of International Level Athlete Evaluations	7
9. Protests of National Level Athlete Evaluations.....	8
10. Protests of Provisional Classifications	11
11. Ad Hoc Provisions Relating to National Level Protests.....	11
Appeals	11
12. Levels of Classification Appeals	11
13. General Principles of Classification Appeals	11
14. Appeals of International Level Athlete Evaluations.....	12
15. Appeals of National Level Athlete Evaluations	12
16. Parties Permitted to Make a National Appeal	13
17. National Appeal Process	13
18. Assessment of National Appeal	13
19. National Appeal Hearings	14
20. National Appeal Decisions	14
21. Appeals of Provisional Classifications.....	14
22. Ad Hoc Provisions Relating to National Appeals.....	14
23. Definitions	14
24. Relevant policies, codes and standards.....	15

1. Purpose

1.1 This document:

- Sets out the position, role and responsibilities of Paralympics Australia (PA) with regard to Classification Protests and Appeals, as the national paralympic member of the International Paralympic Committee (IPC) and in accordance with the IPC Athlete Classification Code and Standards (IPC Code) and the IPC Model of Best Practice for National Classification; and
- Provides a framework for the common technical and operational procedures of National Sporting Organisations (NSOs) and National Sporting Organisations for people with Disability (NSODs) who deliver the Australian Para-sport program.

1.2 This document should be read in conjunction with the IPC Code, IPC Code of Ethics, relevant International Sport Federation (IF) Classification Rules, PA Athlete Classification Policy and other relevant PA Policy and Standards.

1.3 In the event that this Standard fails to provide for a matter covered by a provision in the IPC Code, the provision appearing in the IPC Code shall apply and be regarded as being part of this Standard.

1.4 A list of definitions and abbreviations is provided at the end of this standard.

2. Who does this Standard apply to?

2.1 This Standard applies to:

- PA employees, contractors and volunteers
- Selected Athletes and Appointed Officials of Paralympic Teams
- PA Member organisations, their member organisations, athletes and athlete support personnel and any other persons (paid or unpaid) who is engaged by the PA Member to support classification activities.
- Any other organisations or individuals engaged by PA for Classification purposes

2.2 PA will only recognise Australian classification activities that are conducted within the scope of this Standard and other PA Policy. This Standard does not apply to sports opportunities provided by PA Members for Athletes with

impairments outside of the IPC Code (eg hearing impairment, transplant recipient).

- 2.3 The delivery of classification services for each sport in Australia is the responsibility of the Australian member organisation of the relevant IF, unless otherwise agreed by the IF member, PA and Sport Australia. For the purposes of this Standard, the term NSO/NSOD is used to refer to the organisation approved by the IF member, PA and Sport Australia for the delivery of the Australian Para-sport program.

3. International Sport Federation Role and Responsibilities

- 3.1 IF Classification Rules must be in compliance with the IPC Code. The IF is required, by way of their Classification Rules, to make provision for processes by which the outcome of Athlete Evaluation may be challenged (a Protest) and how Athlete Evaluation and/or Classification procedures may be challenged (an Appeal).

4. PA Roles and Responsibilities

- 4.1 PA has the following roles and responsibilities:
- Determining the standard of competition at which National Level Athlete Evaluation is required (eg at State or national competitions) and subsequently deliver classification opportunities accordingly. NSO/NSODs must publish and promote the opportunities and any conditions regarding National Level Athlete Evaluation opportunities to enable athletes to access the opportunities.
 - Develop and support the implementation of a national classification program in accordance with this Standard.
 - Provide support, education and resources to enable its members to comply with this Standard.
 - Monitor compliance and address non-compliance of its members to this Standard.
 - Provide general education to build classification awareness within the Australian sports community, Para-athletes and other relevant stakeholders (including media & spectators) in relation to this Standard.

- PA may assist NSO/NSODs in the submission of International Level Protests and Appeals.

5. NSO/NSOD Roles and Responsibilities

- 5.1 PA adopts an inclusive approach for Australia's Para-sport system, with the expectation that Para-sport and classification programs are equally recognised and embedded within the structure, systems, people and pathways of an NSO/NSOD.

NSO/NSODs are expected to:

- 5.2 Implement national processes that conform with the IF Classification Rules as much as is practical, and in any event, ensure IPC Code Compliance.
- 5.3 Ensure opportunities within their rules and procedures exist for Athletes to Protest and Appeal their classification, regardless of their level of competition. National level protest procedures should reflect the respective IF procedures as closely as is practical. Procedures must reflect:
- Protests of International Level Athlete Evaluations.
 - Protests of National Level Athlete Evaluations including development of a Protest Form, publishing submission and processing procedures and determination of any protest fee.
- 5.4 Ensure that the NSO Classification rules provide that national level classification Appeals are managed by the National Sports Tribunal, unless particular circumstances exist where an alternate arrangement is agreed to by PA.
- 5.5 Ensure Athlete Evaluation processes have appropriate safeguards in place to protect the physical and psychological health and wellbeing of all parties involved in Athlete Evaluation.
- 5.6 Ensure adequate screening of international level Athletes is undertaken to:
- support the submission of only genuine protests and appeals;
 - minimise risk and support wellbeing for Athletes and team members undertaking International Level Classification
- 5.7 Classification Standard: Classification Data Protection;
- 5.8 Clearly outline the codes of conduct and expectations of their members, athletes, Athlete support personnel, classification personnel and any other

persons or organisations engaged by them within their classification system in relation to this standard;

- 5.9 Develop and deliver Classification education and awareness programs for Athletes, Athlete Support Personnel, member organisations and any other relevant stakeholders (media, spectators) in relation to this standard;
- 5.10 Integrate changes made by their IF to Classification Rules relating to Protests and Appeals, within six months after the IF change is made and align any changes as closely to the IF system as is practical; and
- 5.11 Collaborate with PA in the continuous improvement of national classification activities in relation to this Standard.

Protests

6. Levels of Classification Protests

- 6.1 There are two recognised levels of Classification Protests in Australia:
 - Protests of International Level Athlete Evaluations
 - Protests of National Level Athlete Evaluations
- 6.2 Where an NSO/NSOD also chooses to offer a Provisional Classification service, general guidelines regarding dispute resolution are outlined in Article 9.

7. General Principles of all Classification Protests

- 7.1 A protest is defined in the IPC Code as the procedure by which a reasoned objection to an Athlete's Sport Class is submitted and subsequently resolved. A protest may only be made in respect of an Athletes Sport Class. A protest may not be made in respect of an Athletes Sport Class Status.
- 7.2 Protests do not apply to:
 - Athletes who have been allocated a Not Eligible Sport Class; or
 - Athletes whose condition has changed and are subsequently eligible for a Medical Review process.

- 7.3 Protests can only be resolved where the protest is formally lodged in writing using the relevant Protest Form, and according to the relevant sports procedures
- 7.4 Protests should be resolved in a manner that minimises the impact on competition participation, and competition schedules and results.
- 7.5 Parties to protests shall not disclose information relating to the protest or the proceedings to any person or entity outside those directly required to assist in the resolution.

8. Protests of International Level Athlete Evaluations

- 8.1 Protests of a sport class allocated by an IF can only be resolved by, and according to, the procedures of that IF.
- 8.2 International Level protests may only be made by an Athlete's IF or the IF member organisation (or other NSO/NSOD if the IF member has designated this).
- 8.3 There is no opportunity for any Athlete to make an International level protest directly and these must be directed through their NSO/NSOD.
- 8.4 A nation may only make a Protest in respect of an Athlete under its own jurisdiction at a Competition or venue set aside for Athlete Evaluation by the IF. That is, a National Paralympic Committee (NPC) or NSO cannot lodge a protest regarding an Athlete under another NPC/NSOs jurisdiction. If an NPC/NSO has a genuine belief and holds evidence that another nation's Athlete has been allocated the incorrect class, it may pass such evidence on to the IF for consideration. Any such evidence does not require the IF to make such a protest.
- 8.5 The decision of an International Level Protest Panel is final and there is no opportunity for any further protest on that Protested Decision. The decision of a Protest Panel may be appealed if the requirements set out in relation to the IF's Classification Appeals are met. This would not preclude a Protest being made at future Competition, regarding a different classification decision.
- 8.6 A Protest Panel must not include any person who was a member of the Classification Panel that:
 - made the Protested Decision; or

- conducted any component of Athlete Evaluation in respect of the Protested Athlete within a period of 12 months prior to the date of the Protested Decision, unless otherwise agreed by the NSO/NSDO or IF making the Protest.

- 8.7 PA may assist NSO/NSODs with International level protest procedures at the request of the NSO/NSOD.
- 8.8 Payment of any protest fee is the responsibility of the NSO/NSOD or their member, as determined by the NSO/NSOD.

9. Protests of National Level Athlete Evaluations

9.1 Parties Permitted to Make a National Level Protest:

9.1.1 Protests of national level classifications may only be made by:

- an Athlete or their legal guardian; or
- the Athlete's own NSO/NSOD.

9.1.2 Protests of other Athlete's classifications are not permitted. If any person has a genuine belief and holds evidence that another Athlete has been allocated the incorrect class, it may pass such evidence on to the NSO/NSOD for consideration. Any such evidence does not require the NSO/NSOD to make such a protest.

9.2 Submission processes of National Level Protests

9.2.1 The protesting party must complete the relevant NSO/NSOD Protest Form, including but not limited to:

- the name, identifying particulars of the Athlete whose Sport Class is being protested;
- the details of the protested decision and/or a copy of the protested decision;
- an explanation as to why the protest has been made and the basis on which the protesting party believes that the protested decision is flawed. Reference to specific rules alleged to have been breached is encouraged;
- Any documents and other evidence in support of the Protest; and
- The signature of the party making the protest.

Protests must be submitted according to the national level classification protest processes set by the NSO/NSOD, including timelines for submission and submission of any protest fee, should this apply. It is recommended that NSO/NSODs provide a 30 day timeline for the acceptance of national level protests.

9.2.2 Should the NSO/NSOD determine that a protest fee applies, this is recommended to be in line with the fee set by the NSO/NSOD for other sport technical protests.

9.3 Assessment of National Level Protest Submissions

9.3.1 Upon receipt of a National Level protest, the NSO/NSOD must review the Protest, and determine if the protest will be accepted or dismissed.

9.3.2 Protests may be dismissed, at the NSO/NSOD discretion, where it does not comply with protest requirements including but not limited to:

- The protest has been submitted without all necessary information;
- The protest is an allegation without evidence.

9.3.3 If the Protest is dismissed, the NSO/NSOD must notify in writing to the protesting party as soon as is practical. Any Protest Fee should be forfeited.

9.3.4 If the Protest is accepted:

- The NSO/NSOD should notify all relevant parties of the opportunity for any subsequent protest evaluation.
- If the protest was made by the NSO/NSOD, the NSO/NSOD must provide the relevant Athlete with a written explanation as to why the NSO/NSOD Protest has been made and the basis on which the NSO/NSOD considers it is justified.

9.3.5 The protested Athlete's sport class must remain unchanged pending the outcome of the protest, but the protested Athletes sport class status must be changed to Review, effective immediately. In the instance of Athletes with a vision impairment, if the Athlete holds classifications across two or more sports, the Athlete's Sport Class Status will be amended to Review (R) with immediate effect across all sports the Athlete holds a classification for.

9.3.6 A Protest Panel shall be appointed to review the protest as soon as reasonably possible. This may be a Protest Panel at the current competition, the next competition or Athlete evaluation opportunity.

9.4 Conduct of National Level Protest Evaluations

9.4.1 A Protest Panel must be appointed by the NSO/NSOD in a manner consistent with the provisions for appointing a Classification Panel in the PA Classification Standard: Athlete Evaluation. In addition, a Protest Panel must not include any person who:

- was a member of the Classification Panel that made the Protested Decision; or
- conducted any component of Athlete Evaluation in respect of the Protested Athlete within a period of 12 months prior to the date of the Protested Decision;

unless an alternate process is otherwise agreed by the protesting party and NSO/NSOD.

9.4.2 The NSO/NSOD must notify all relevant parties of the time and date for the Athlete Evaluation that will be conducted by the Protest Panel. Athletes must be permitted to compete under their protested class until such time as the protest can be heard.

9.4.3 The Protest Panel must conduct the new Athlete Evaluation in accordance with the PA Classification Standard: Athlete Evaluation. The Protest Panel may refer to the Protest Documents and other Classification records when conducting the new Athlete Evaluation.

9.4.4 The Protest Panel must allocate a Sport Class and designate a Sport Class Status. All relevant parties must be notified of the Protest Panel's decision as soon as possible following the Athlete Evaluation.

9.4.5 NSO/NSODs must specify in their Classification Rules (or relevant sport technical rules) the consequences to results and prizes of an Athlete changing Sport Class after a Protest.

9.4.6 The decision of a Protest Panel in relation to a Protest is final. There is no opportunity for the Athlete to make another Protest against the initial protested decision. However, the decision of a Protest Panel may be appealed if the requirements set out for Appeals in this Standard are met. This does not preclude protests of future classification decisions being made. Protests by the NSO/NSOD may be made at any time.

10. Protests of Provisional Classifications

- 10.1 If an NSO/NSOD offers Provisional Classification, the NSO/NSOD should establish a dispute resolution process. It is recommended that any disputes related to provisional classification be resolved by the Athlete attending a National Level Athlete Evaluation opportunity. The outcome of which would supersede the Provisional Classification outcome.

11. Ad Hoc Provisions Relating to National Level Protests

PA or an NSO/NSOD may issue special ad hoc provisions to operate for protests during specific competitions or circumstances. PA or the NSO/NSOD, as the case may be, will provide as much notice of the ad hoc provisions as is reasonable in the circumstances.

Appeals

12. Levels of Classification Appeals

- 12.1 There are two recognised levels of Classification Appeals in Australia:
- Appeals of International Level Athlete Evaluations
 - Appeals of National Level Athlete Evaluations
- 12.2 Where an NSO/NSOD offers Provisional Classification, general guidelines regarding dispute resolution are outlined in Article 17.

13. General Principles of Classification Appeals

- 13.1 An Appeal, refers to the process, as set out in the IPC Code, by which a formal objection how the Athlete Evaluation has been conducted or the conclusion reached is submitted and subsequently determined.
- 13.2 Appeals can only be heard where the Appeal is formally lodged according to the relevant sport federations procedures.

- 13.3 Parties to Appeals shall not disclose information relating to the Appeal or the proceedings to any person or entity outside those directly required to assist in the determination.
- 13.4 The decision of any Classification Appeal body is final and is not subject to any further Appeal, except in accordance with any relevant rules of that body.

14. Appeals of International Level Athlete Evaluations

- 14.1 Appeals relating to the conduct of International level Classifications can only be addressed by the relevant IF.
- 14.2 International Level Appeals may only be made by the Athlete's respective IF or the IF member (or other NSO/NSOD if the IF member has authorised this designation).
- 14.3 An IF member may only make an Appeal in respect of an Athlete under its own jurisdiction at a Competition or venue set aside for Athlete Evaluation by the IF. That is, an IF member cannot lodge an Appeal regarding an Athlete under another IF members jurisdiction.
- 14.4 PA may assist NSO/NSODs with International Level Appeal procedures at the request of the NSO/NSOD.
- 14.5 Payment of any Appeal fees is the responsibility of the NSO/NSOD or their member as determined by the NSO/NSOD.
- 14.6 The decision of any IF or IPC Classification Appeals body in relation to any Appeals is final. Any further disputes may only be addressed to the Court of Arbitration for Sport for mediation or arbitration.

15. Appeals of National Level Athlete Evaluations

- 15.1 A National Level Protest must be lodged and evaluated (or in the circumstances where there is not a formal right of protest, and available means to re-evaluate the decision must be exhausted) before any National Appeal can be lodged.
- 15.2 If an Athlete or legal guardian, considers there have been errors made in respect of the allocation of a National Level Sport Class and/or Sport Class

Status, and disagrees with the result of the Protest, they may submit an Appeal.

- 15.3 All NSO/NSODs, including PA, must designate within their National Classification Rules, the National Sports Tribunal - General Division as the Body for resolving Appeals under its jurisdiction, unless particular circumstances exist where an alternate arrangement is agreed to by PA. The National Sports Tribunal may only confirm or overturn a classification decision; it does not have power to modify, alter or otherwise change any Sport Class and/or Sport Class Status decision, for example by allocating an Athlete a new Sport Class and/or Sport Class Status.
- 15.4 The National Sports Tribunal may decline to hear an Appeal if it appears to the CEO of the NST (or their delegate) that other available remedies, including but not limited to Protest procedures, have not been exhausted.

16. Parties Permitted to Make a National Appeal

- 16.1 Appeals of national level classifications may only be made by the Athlete concerned or their legal guardian.
- 16.2 Appeals of other Athletes' classifications are not permitted.

17. National Appeal Process

- 17.1 A National Appeal will be conducted in accordance with the National Sports Tribunal Legislation.
- 17.2 Any National Appeals must be submitted within 30 days of the later date at which the Athlete was notified in writing of the protest, or protest re-evaluation outcome.

18. Assessment of National Appeal

- 18.1 If all other available remedies have been exhausted, the National Sports Tribunal shall conduct a hearing in accordance with National Sports Tribunal Legislation.

19. National Appeal Hearings

- 19.1 The National Sports Tribunal panel, will comprise of one or more members who have at no stage been involved with the dispute brought before the National Sports Tribunal.

20. National Appeal Decisions

- 20.1 The National Sports Tribunal will issue a written reasoned decision resolving any Appeal in accordance with NST Legislation .
- 20.2 The decision of the Appeal Body is subject to further Appeal through the National Sports Tribunal Appeals Division in accordance with the NST Legislation. The NST panel in the Appeals Division shall consist of three NST members.

21. Appeals of Provisional Classifications

- 21.1 If an NSO/NSOD offers Provisional Classification, the NSO/NSOD should establish a dispute resolution process. PA recommends that any disputes related to provisional classification be resolved by the Athlete attending a National Level Athlete Evaluation opportunity. The outcome of which would supersede the Provisional Classification outcome.

22. Ad Hoc Provisions Relating to National Appeals

- 22.1 PA or an NSO/NSOD, in conjunction with the National Sports Tribunal where necessary may issue special ad hoc provisions to operate for Appeals during specific competitions or circumstances. PA or the NSO/NSOD, as the case may be, will provide as much notice of the ad hoc provisions as is reasonable in the circumstances.

23. Definitions

This Standard uses the defined terms in the IPC Code and PA Athlete Classification Policy. Further defined terms specific to this PA Classification Standard are as follows:

National Sports Tribunal (NST): the National Sports Tribunal established by the

National Sports Tribunal Act 2019 (Cth)

National Sports Tribunal (NST) Legislation: the legislative instruments set out in Article 24

Protest Documents: the information provided in the Protest Form together with the Protest Fee.

Protest Fee: the fee prescribed by an International Sport Federation or NSO/NSOD, payable by the protesting party when submitting a Protest.

Protest Form: the form on which a Protest must be submitted.

Protest Panel: a Classification Panel appointed by the NSO/NSOD to conduct an Athlete Evaluation as a result of a Protest.

Protested Athlete: an Athlete whose Sport Class is being challenged.

Protested Decision: the Sport Class decision being challenged.

24. Relevant policies, codes and standards

- [IPC Athlete Classification Code and International Standards](#)
- [IPC Classification Code Model of Best Practice - National Classification](#)
- [IPC Code of Ethics](#)
- [PA Classification Standard - Eligible Impairments](#)
- [PA Classification Standard - Athlete Evaluation](#)
- [PA Classification Standard - Classification Personnel and Training](#)
- [PA Classification Standard – Classification Data Protection](#)
- [PA Classification Standard – Intentional Misrepresentation](#)
- [PA Code of Conduct](#)
- [Other PA policies](#) (including but not limited to People Protection Policy and Privacy Policy)
- [National Sports Tribunal Act 2019 \(Cth\)](#)
- [National Sports Tribunal Rule 2020 \(Cth\)](#)
- [National Sports Tribunal \(Practice and Procedure\) Determination\) 2021 \(Cth\)](#)