

**REPORT AND DECISIONS**  
**AUS, GBR & GER APPEALS**  
**10<sup>th</sup> FAI WOMEN WORLD GLIDING CHAMPIONSHIPS**

**Summary: Content of the appeals and outcome**

Throughout the whole 10<sup>th</sup> FAI Women World Gliding Championships the Australian Team was found, and on the penultimate day freely admitted to, using non-time delayed position data from the official tracking system G-Track Live, tracking the location of all competing glider pilots in real-time. Prior to the first competition day of the WWGC 2019, having been specifically asked about this, the Competition Director confirmed in two official briefings, in which the Australian Team participated, that access to live tracking through G-Track Live will not be granted to the teams and the public as this is how the regulations in place are to be interpreted.

Following the discovery the Competition Director eventually imposed a penalty of 25 points deducted for each competition day from the results of each Australian Team Pilot, which was later confirmed by the International Jury (for details on why the total sum of deducted points changed from 250 to 225 see “Summary of Facts” document).

The Australian NAC lodged an appeal against the decision as confirmed by the International Jury with the main request that all penalties against the Australian Team Pilots be completely removed.

The British NAC and the German NAC lodged two coordinated appeals with the main request that all Australian pilots’ results obtained in the WWGC 2019 be invalidated and the pilots be disqualified from the championships.

The International Appeals Tribunal’s decision with respect to these main requests is to regard all competition results of the Australian Team as ineligible because they were gained under irregular conditions, and consequently to invalidate the respective results of all Australian Team Pilots and to disqualify the latter from the WWGC 2019.

The procedure followed by the International Appeals Tribunal, the reasoning supporting its findings and the full content of its decision is set out in the main body of this document.



Reno Filla  
Chairperson, on behalf of the International Appeals Tribunal

Dated: 01 December 2021

## **ABBREVIATIONS**

FAI	Fédération Aéronautique Internationale (World Air Sports Federation)
WWGC	FAI Women's World Gliding Championships; in this document WWGC will refer specifically to the 10 <sup>th</sup> FAI WWGC at Lake Keepit, AUS (a.k.a. "WWGC 2019")
IAT	(FAI) International Appeals Tribunal ("Tribunal")
NAC	National Airsport Control
CASI	(FAI) General Airsport Commission
IGC	(FAI) International Gliding Commission
ASC	(FAI) Air Sport Commission
GFA	Gliding Federation of Australia
AUS	Australia
GER	Germany
GBR	United Kingdom of Great Britain and Northern Ireland
LP	Local Procedures
SoF	Summary of the Facts document
CD	Championship Director

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**AUS, GBR & GER APPEALS**  
**10<sup>th</sup> FAI WOMEN WORLD GLIDING CHAMPIONSHIPS**

This International Appeals Tribunal has been appointed by the FAI Air Sports General Commission (CASI) on 18 June 2020, in accordance with FAI Sporting Code General Section paragraph 6.6.2, to handle three appeals filed against the decisions made by the International Jury of the 10<sup>th</sup> FAI Women's World Gliding Championships held in Lake Keepit, Australia (3 to 17 January 2020):

- Appeal from AUS submitted by the Air Sport Australia Confederation (ASAC) and based on a Notice of Appeal of the Australian Team Pilots.
- Two identical appeals from GBR and GER submitted by The Royal Aero Club of United Kingdom and the Deutscher Aero Club e.V. with a common Notice of Appeal.

Appeals Tribunal members:

- Reno FILLA (Sweden) – Chairperson
- Bruno DELOR (France)
- Alexander GEORGAS (Greece)

### **APPEAL PROCESS**

With their appointment the Appeals Tribunal members received access to the documents and other information provided by AUS and GBR/GER for their appeal and uploaded by the FAI Office to the FAI cloud.

The work of the Appeals Tribunal has been carried out with the following steps.

1. Throughout the whole process the Appeals Tribunal communicated internally in writing and by means of virtual meetings.

### **2. Hearing phase**

An IAT online meeting has been held on the 13<sup>th</sup> October 2020 to define how to proceed for the oral hearing in compliance with the provisions stated in the FAI IAT Manual.

*Note: The complexity of the matter and the extensive documentation demanding careful review explain the time it took to go from IAT appointment in June 2020 to the oral hearings in November 2020.*

The Appeals Tribunal agreed on the following points regarding the oral hearings:

- Separate hearing for the two appeals, each scheduled for two hours.
- In order to increase efficiency of the hearings and offer transparency, share a common supporting document with relevant parties (appellants and Jury President) in order to get their input, corrections and comments before the oral hearing concerned. This document has been called "Compilation of Facts" ("CoF").
- In accordance with the FAI IAT Manual, request every appellant prior to the oral hearing to notify the Appeals Tribunal of the witnesses they intend to call and indicate on which specific points each witness will testify.

- In application of the FAI IAT Manual, participants to the hearing other than the IAT members will be the representative(s) of the appellant(s) and the Jury President Gisela WEINREICH as relevant parties with right to speak. A representative of IGC (interested party) will also be admitted as observer with no right to speak.
- Audio-video oral hearings considering that the restrictions due to the Covid-19 pandemic do not permit to organize physical meetings.

*Note: In the hearings Zoom was utilized as this was the application used by FAI for online meetings; a zoom training session with the CASI President has been organized prior to the first oral hearing meeting in order to define the way to manage the appellants' requests for the floor, to authorize each witness in the "waiting room" to join the meeting where appropriate, to proceed the recording of the meeting and download the file after the meeting.*

#### **a) GBR/GER appeal hearing**

The Appeals Tribunal Chairperson informed the Presidents of the Deutscher Aero Club and Royal Aero Club of the United Kingdom about the hearing process in an email (with the CoF document attached) on 20 October 2020.

The appellants appointed as representatives Jeremy PACK (GER Team Captain) for GBR and Wolli BEYER (National Coach of the German Gliding Team) for GER.

Frouwke KUIJPERS (WWGC Chief Steward) and Brad EDWARDS (one of the AUS Team Coaches) were confirmed as witnesses after clarifying the points on which they will testify.

For GBR, a response to the CoF document was sent on 3 November 2020 by an email from Jeremy PACK. The IAT Chairperson acknowledged receipt by email on 4 November 2021.

The hearing was scheduled for 26 November 2020 after taking into account the availabilities of all participants. Both GBR and GER representatives agreed to the proposed process of going through the CoF annotated with the comments and proposals of improvements/adjustments mentioned in the GBR response.

The hearing lasted 2 hours.

#### **b) AUS appeal hearing**

The IAT Chairperson informed the ASAC Executive Officer on 20 October 2020 about the hearing process in an email (with the CoF document attached).

The appellant appointed Lisa TURNER (AUS TP in 18 m class) and Ray(mond) PERSON (ASAC Executive Officer) as representatives. On Lisa TURNER request, Jo DAVIS (AUS TP in Club class) was accepted as her assistant with no right to speak.

Terry CUBLEY (Team Captain for AUS), Matt GAGE and Mike CODLING (both Team Coaches for AUS) were confirmed as witnesses after clarifying the points on which they will testify.

A response to the CoF was sent on 13 November 2020 by an email from Ray PERSON. The Appeals Tribunal Chairperson acknowledged receipt by email on 4 November 2021. The email also included a statement from Terry CUBLEY (AUS Team Captain) dated 26 October 2020.

The hearing was scheduled for 30 November 2020 after taking into account the availabilities of the participants.

After initial questions to the appeal process as such, the AUS representatives agreed to the proposed process of going through the CoF annotated with the comments and proposals of improvements/adjustments mentioned in the AUS response.

The hearing lasted 3 hours 9 minutes.

### **c) Other exchanges and interviews**

The Appeals Tribunal had email exchanges with several WWGC officials to get clarifications or additional information on specific points: Mandy TEMPLE (Championship Director), Anita TAYLOR (Deputy Championship Director), Frouwke KUIJPERS (Chief Steward), Gisela WEINREICH (Jury President).

The FAI IAT Manual states that the Appeals Tribunal "*have the right to call witnesses as its own discretion*". Based on that possibility, the Appeals Tribunal organized zoom interviews with:

- Scott PERCIVAL (previous AUS Team Pilot) on 14 December 2020.
- Jacques GRAELLS (Developer and during the WWGC system administrator of the "G-Track Live" tracking system) on 10 February 2021.
- Matthew SCUTTER (AUS Team Pilot, contacted regarding previous use of the XCSoar-included tracking software "SkyLines Live Tracking") on 1<sup>st</sup> March 2021.

### **d) Restitution of the hearings and interviews**

The audio and video files of each oral hearing and interview were shared with the participants concerned shortly after each meeting.

A written transcript of each oral hearing and interview was also been shared for review and additional input.

*Note: Due to technical and commercial limitations of Zoom and external natural language processing tools evaluated by the IAT the transcription of the recordings from the oral hearings alone, not counting the interviews, required about 40 hours of manual work. Due to this the IAT was only able to provide to the appellants with the written transcript of their respective oral hearing by the end January 2021.*

## **3. Summary of Facts document**

In accordance with the FAI AT Manual, the Appeals Tribunal had to produce a written summary of the facts, called SoF below.

*Note: Based on the definition of "summary" as a statement presenting the main points, the Appeals Tribunal has focused in the SoF on the facts considered relevant for the appeals. This explains why some points proposed by the appellants have not been included in the SoF.*

The Appeals Tribunal produced several successive versions of a draft (v0\*) of the SoF and shared by email the following versions with the appellants in order to inform them of the progress and to give them possibility to send comments and proposals of adjustments / modifications:

- v0a shared 28 March 2021 - GBR response 29 March 2021
- v0b shared 29 March 2021 -GBR response 09 April 2021 and AUS on 20 April 2021
- v0i shared 2 May 2021 -AUS responses 12 and 17 May 2021
- v0m shared 31 May 2021
- v0o shared 19 June 2021 - GBR response 01 July 2021

This enabled the relevant parties to contribute to the content of the SoF.

After these successive draft versions, the Appeals Tribunal Chairperson provided the appellants a SoF v1.0 on 11 July 2021, inviting them to suggest corrections within the time frame of one week, as stipulated by the FAI IAT Manual.

The appellants responded as follows:

- GBR on 17 July 2021 with a document including their suggestions and comments.

- AUS on 18 July 2021 with a letter of the ASAC President, Grahame HILL, providing explanatory notes and comments to the SoF and with the SoF v1.0 annotated with proposal of corrections, mentions of claimed omissions and comments.

Based on that, the Appeals Tribunal Chairperson sent to the appellants the final SoF (v1.1) on 11 August 2021.

*Note: All exchanges relative to the SoF mentioned above have been done by email.*

In addition, an accompanying document has been also shared with the appellants on 11 August 2021 using WeTransfer. Apart from the SoF v1.1, this document includes the following:

- Cover letter summarizing the process
- Appendix A: SoF v1.0.
- Appendix B: 18 July 2021 AUS response (letter and SoF v1.0 annotated) + Appeals Tribunal response to AUS letter and SoF v1.0 annotated.
- Appendix C: 17 July 2021 GBR response (document) + Appeals Tribunal response to GBR document.
- Appendix D: Timeline of shared draft versions of the SoF document.
- Appendix E: Statements and evidence shared with all appellants.

The analysis of all the documentation available, fact-gathering and checking phase has thus taken more than a year. Based on that and the subsequent responses of all parties, the facts as presented in the SoF version 1.1 are deemed to be complete and correct according to the FAI IAT Manual, and form the basis for the deliberations and decisions of the Appeals Tribunal.

## **FAI REFERENCE DOCUMENTS**

### **1. Sporting rules documents applicable for the WWGC**

- FAI Sporting Code Section 3 - Gliding 2019 Edition valid from 1<sup>st</sup> October 2019 (revised 24 November).
- FAI Sporting Code Annex A to Section 3 - Gliding (Rules for World and Continental Gliding Championships) Edition 2019 valid from 7 October 2019.
- Local Procedures WWGC 2019 V9.1.

### **2. Other governing documents**

- FAI Code of Ethics Version 1.0 October 2003 (approved by the 96<sup>th</sup> FAI General Conference held 10<sup>th</sup> and 11<sup>th</sup> October 2003).
- FAI Sporting Code General Section 2020 Edition effective 1st January 2020 (approved by the CASI on 6<sup>th</sup> December 2019).
- FAI Jury Guidelines Edition 2020 effective 1<sup>st</sup> January 2020.
- FAI International Appeals Tribunal Manual (issued by the CASI) 2014 Edition effective 16<sup>th</sup> October 2014.

## **APPEALS TRIBUNAL FINDINGS**

The Appeals Tribunal has deliberated on the different matters pointed by the appellants in their Notice of Appeal.

### **1. Use of non-time delayed data from the G-Track Live system**

The Local Procedures are used to implement, amend or alter the existing regulations for a particular championship. They are proposed by the local organizer in coordination with the IGC Bureau which then needs to approve them before publication.

The WWGC 2019 Local Procedures 4.1.1.c provision, relative to the carriage of GNSS data transmitters for public display and conditions in which this public display will be done, states: *"Such display will not begin before the start line is opened and the actual positions of the sailplanes shall be displayed with a time delay of at least 15 minutes. This delay may be reduced to zero prior the finish."*

For several years such provision has been common for FAI Category 1 gliding events (World and Continental Gliding Championships, Sailplane Grand Prix Finals). The intend to make such tracking data non-public is also documented in the following proposal adopted at the March 2019 IGC Plenary Meeting: *"That the IGC require any live tracking display of Cat 1 events published by the organiser to be supplied from a secure data source controlled by the organiser and/or IGC. That a time delay be added to any public transmission. The time delay may vary according to the status of the race."*

While to an outsider the wording may be open to some interpretation, it should have been clear that, from past experience and discussions within IGC, that the meaning of this provision was that nobody other than the organizer was supposed to have access to the non-time delayed tracking data from the G-Track Live system. Prior to the first competition day of the WWGC, having been specifically asked about this, the CD confirmed in two official briefings, in which Team AUS participated, that access to live tracking through G-Track Live will not be granted as this is how the regulations in place are to be interpreted.

In addition to this specific clarification by the CD, which did remove any room for interpretation, the AUS Team Captain Terry CUBLEY was well aware of the meaning of that provision, as he was not only a Vice President of the IGC Bureau at the time the debate about the use of this kind of data in championships was happening, but also a long-standing member of the IGC's Sporting Code 3 Annex A committee for rules in international gliding competitions, Chief Steward on many past occasions, Chairman of the IGC's Steward Working Group, as well as an active contributor to IGC-internal discussions on how live tracking data can be misused and what the sporting way to handle this would be.

It has been also noted that Terry CUBLEY made no attempt before or throughout the whole WWGC to obtain consent of the organizer to use the non-time delayed data from G-Track Live, nor did he try to get confirmation on the correctness of his purported assumption that accessing these data was legal and acceptable – an assumption that purportedly was made despite the CD's official statements to the contrary. The Appeals Tribunal considers this inaction to obtain official consent / confirmation as made on purpose considering the public declaration of the CD that a consent to use the non-time delayed data would not be given.

Matthew GAGE, one of the Team Coaches for Australia and developer of the Australian monitoring software as described in the SoF, had on previous occasions worked as a G-Track Live system administrator for AUS gliding competitions. Therefore, he had privileged knowledge that the that data available via the administrator interface (web address "admin.gtracklive.com") were non-time delayed. That all access to the admin interface normally was secured with a username and password was well known to him.

In connection with development work on the G-Track Live system prior to the WWGC the system developer, after finalizing the testing, forgot to reinsert the program line that secured the webpage “admin.gtracklive.com/monitor.php” and thus unintentionally kept this page open without requirement for a username and password to access it. This omission gave Matthew GAGE the possibility to use non-time delayed data from the G-Track Live system for his monitoring system throughout the whole competition.

To consider that the G-Track Live system developer might have done so intentionally in order to make non-time delayed tracking data publicly available, as claimed during the AUS hearing, is arguably in bad faith. In any case, being in doubt Matthew GAGE could have been expected to contact the system developer in order to get confirmation, especially since the latter was also on site because he worked as the system administrator during the WWGC. Furthermore, the two met on at least one occasion to discuss the source of the AUS Team’s live tracking data, which the AUS Team did not disclose until the end of the penultimate competition day.

Matthew GAGE further stated that his internet browser upon typing “gtracklive” suggested the URL “admin.gtracklive.com/monitor.php” upon which he discovered the data there to be unprotected. Since he worked as G-Track Live system administrator on previous occasions this statement might be considered true. However, this does not constitute a mitigating circumstance. It is also noteworthy that according to testimony Matthew GAGE developed his monitoring software, including the ability to utilize data from G-Track Live in 2019, prior to the WWGC which was held in January 2020.

During the AUS oral hearing, it has been argued by Lisa TURNER that in the Australian IT industry if something is not password protected the presumption is that it is done consciously and therefore the data may be considered as publicly available and free to use. To the IAT this argument appears to be specious and, in any case, neglecting the sporting aspect of fair play and equal opportunities.

The Appeals Tribunal concluded that:

- An intentional breach of the rules as outlined in the regulations in place has occurred. If there was any room for interpretation of the LP section 4.1.1.c, given the way it was written, the repeated clarification by the CD dispelled any ambiguity regarding the access to non-time delayed data from the official G-Track Live system prior to the official start of the WWGC.
- The consequence of the AUS Team’s use of non-time delayed data from the official G-Track Live system during the WWGC competition flights was that the AUS Team competed in irregular conditions, which contravened the spirit of a fair competition. While all other teams competed in regular conditions the AUS Team competed under circumstances that objectively provided a potential competitive advantage in comparison to other teams, which violates the sporting principles of fair play and equal opportunities.

*Note: A comparison to doping can be made, where a fundamental principle is that it is of no consequence to whether a prohibited substance discovered in a competing sportsperson’s body actually can be proven to have led to a performance increase. The very presence of a prohibited substance in the body of a competing sportsperson constitutes an irregular condition which means any competition results achieved by this sportsperson are automatically regarded invalid and the sportsperson is automatically disqualified from the competition.*

This infringement of the basic principle of fair-play in sports can only be interpreted as a deliberate attempt to get a competitive advantage in a manner contrary to the best sporting ethics principles. Therefore, it must be regarded as not only being unethical and reprehensible but also unsporting.

*Note: FAI Sporting Code Annex A to Section 3 - Gliding (Rules for World and Continental Gliding Championships) states in 8.6.5 (Unsporting Behaviour): "Championship pilots and team members who demonstrate aggressive and abusive behaviour to championships Organisers and/or FAI/IGC officials*

*will be sanctioned for unsporting behaviour. "The AUS appellant argued that this defines "unsporting" exclusively as aggressive and abusive behaviour. The IAT disagrees and interprets above section merely as an example of unsporting behaviour to which said section specifically applies.*

The Appeals Tribunal recognizes that the persistent (but never proven) rumours of some other teams having "private OGN" receivers (which don't honour the "No Track" flag that pilots can set in their Flarm units, but which at the time was not forbidden in any rules) has likely contributed to a feeling of perceived injustice in key persons of the AUS Team. However, how this could have led to the wrong conclusion that it is justified to unauthorized utilize data from the official G-Track Live tracking system, which was mandatory to carry and keep enabled at all times for all competitors, is hard to understand. That the data were found to be (by mistake) not protected by a password does not change the fact that the use of the data was wrong and that this should have been clear to everyone. Confirmation of this would have been very easy to obtain from either competition management or the system developer who was present throughout the competition as system administrator.

*Note: At the very end of the WWGC and in subsequent interviews the AUS Team Captain freely admitted to the use of G-Track Live being deliberately in order to (quote) "level the playing field" because they suspected (quote) "three teams at LK using private OGN". See SoF for facts regarding the range of Flarm-based live tracking through OGN and the discussion of "private OGN" receivers.*

The comparison with public OGN, frequently undertaken by the AUS appellant, is a fallacy mainly because pilots have several options to opt out of public OGN tracking, but partly also due to the limited broadcast range of Flarm. The unauthorized use of non-delayed data from G-Track Live is not comparable to the use of public OGN.

*Note: Throughout the appeal process the appellant AUS pushed to change the narrative to be about live tracking in general and then compare their use of non-time delayed data from G-Track Live with the use of public OGN and the hypothetical use of a "private OGN" system. The IAT regards these as fallacies and refutes them in detail in Appendix B to the Summary of Facts document version 1.1 (beginning at page 71).*

The Appeals Tribunal concluded that Terry CUBLEY as AUS Team Captain and Matthew GAGE both acted intentionally and with a full knowledge of the facts, with the behaviour of the Team Captain arguably being a more serious transgression due to the prior knowledge from previous work within the IGC.

The AUS Team Pilots, may superficially be considered not having been correctly informed by their Team Captain (and Team Coach), and possibly strongly encouraged to not further question the source of the beneficial data. However, from a certain point of time, well before rumours turned into fact, all AUS Team Pilots knew where the data was coming from. Even if it may be imagined that some AUS Team Pilots believed in good faith that data used in the monitoring system developed by their coach was freely available without restriction, it is difficult to consider that this would have been the case for all of them. At any time, any AUS Team Pilot having doubts could have reported anonymously to the organizer, which none chose to do. If the benefit of these data truly would have been zero, as some have claimed, then reporting the matter would have changed nothing, other than disclosure of the data source. Instead, they opted to keep the secret and to potentially benefit from the advantage that access to the data gave every single competition day. The unethical and unsporting actions of the AUS Team Captain and one of their Team Coaches were undertaken on behalf of the AUS Team in order to get each and every AUS Team Pilot an unfair advantage. In the international world of sports there are several precedents where sportspersons are held responsible for the actions of their parties, like coaches or technical teams. For good reason sports have resisted to accept the mechanism of "plausible deniability" because otherwise almost anything would be possible provided the sportsperson is officially kept unaware. The individual sportsperson is responsible for the actions of their team members and just as they would have benefitted from the advantage gained otherwise, they have to bear the consequences for the behaviour of their team members if found to be inappropriate.

## 2. Jury process for the treatment of the protests

AUS pointed out that a proper process was not followed providing a list of errors (see page 23 of AUS Notice of Appeal).

GBR and GER also underlined incorrect Jury process and listed the failures of the Jury process which they consider as resulting in an appropriate decision (see pages 4 and 5 of GBR/GER Notice of Appeal).

The WWGC Jury President, Gisela WEINREICH, mentioned that she was aware that the procedures to handle the protests had not been applied strictly according to procedure. The high pressure on the Jury within a very short time frame available to handle the protests submitted only in the afternoon of the last championship day may explain that process has not been followed to the last detail.

The Appeals Tribunal did not find conclusive evidence that not having followed due process in the treatment of the protests may have impacted the final decision of the Jury.

In any case, the present appeals outline the difficulty for a Jury to properly handle protests when a large difference in time zones has to be taken into account. In addition, this difficulty is increased with protests submitted at the end of the championship with a very limited time available for their treatment.

*Note: To address that situation the Appeals Tribunal suggests IGC and/or CASI to restrict or at least reconsider the possibility to authorize remote Jury members for FAI International Category 1 events, especially World Championships, perhaps also including a review of appropriate deadlines.*

## 3. Improper post competition process pointed by AUS

AUS criticised in their Notice of Appeal the email sent January 28 by Frouwke KUIJPERS, as WWGC Chief Steward and IGC Vice President to express her personal view on WWGC to the GFA Board members.

AUS asserts that her intention was *“warning the Australians not to appeal the decision of the penalty at the Championship”* and that this email *“alluded that if the Australians appealed, then pressure would be applied for the Australian team to be disqualified from the competition, or Australian pilots could be banned from international competition for a future period, or a future World Gliding Championship to be held in Australia in January 2023 would be withdrawn from Australia.”*

The Appeals Tribunal understands that this is an interpretation of what is written by Frouwke KUIJPERS in her email, sent ten days after the WWGC was finished. It is arguably the result of a sincere attempt at clarifying the situation at hand and she herself explains it as an honest advice given to the GFA without the intention of any pressuring.

The Appeals Tribunal notes that the interpretation mentioned in the AUS Notice of Appeal differs from the intention of the email’s sender. In any case, this email does not breach any rule or procedure and is therefore not regarded as reprehensible by the IAT.

## **REQUESTS OF THE APPELLANTS**

### 1- AUS appeal

In their Notice of Appeal (See page 34), the nine Australian Team Pilots requested:

- A clear statement that the Jury process was not followed according to the rules governing the competition.
- A statement that the Australian Team Pilots did not participate in unsporting behaviour.
- The penalty of 225 points be removed against each pilot.

- To have the final placings of the championships returned to the position prior to imposition of the penalty.
- To have championship medals and prizes correctly awarded to the respective pilots; and
- A full refund of the appeal fee of \$3000 EUR [sic].

## **2- GBR/GER appeal**

In their Notice of appeal (See page 2), Royal Aero Club and Deutscher Aero Club e.V. ask the Appeals Tribunal:

- 1) to consider the verdict and if the Appeals Tribunal agrees that the decision was incorrect consider imposing the penalty of disqualification upon the Australian Team;
- and
- 2) to consider the procedures used by the Jury and if the Appeals Tribunal agrees that it was incorrect consider ruling the decision of the Jury ineffective and making a new ruling.

## **APPEALS TRIBUNAL DECISIONS**

### **1. Penalties applicable to the AUS National Team**

The International Appeals Tribunal's decision is to regard all competition results of the AUS Team as ineligible because they were gained under irregular conditions, and consequently to invalidate the respective results of all Australian Team Pilots and to disqualify the latter from the WWGC 2019.

The inaction of the AUS Team Pilots to share any knowledge about these irregular conditions, however limited, with competition officials is reprehensible. Even if the pilots only passively benefited from information which their competitors did not have, they have been competing in conditions which were not consistent with the spirit of fair play. However, the Appeals Tribunal recommends FAI to not consider further disciplinary actions against any individual AUS Team Pilot.

As a consequence of the indisputable unsporting behaviour of both AUS Team Captain, Terry CUBLEY, and AUS Team Coach, Matthew GAGE on behalf of the AUS Team in violation of provision 1.12.5 of the FAI Statutes the Appeals Tribunal recommends FAI to consider initiating disciplinary actions against them.

### **2. Impact on WWGC 2019 final results and IGC ranking**

With the penalty applied by the International Jury no AUS Team Pilot was awarded any medal. The decision of the Appeals Tribunal to retroactively disqualify all AUS Team Pilots from the WWGC 2019 therefore does not lead to any redistribution of medals.

However, it must be noted that the complex way of calculating scores in gliding competitions means that simply deleting a pilot from the scoring table in retrospect gives a different result than what can be calculated if said pilot never had joined the competition. The Appeals Tribunal understands that it might be impractical to recalculate the complete competition day-by-day, as if no AUS pilot had ever competed and therefore suggests to simply delete all AUS Team Pilots from the table of final results and from each day results table, alternatively to set their respective final score and each day score to zero with a note "disqualified". This is to be applied to at least soaringspot.com and igcrankings.fai.org as the main distribution channels for competition results in gliding.

The adjusted final results tables in all three classes:

### Standard

#	CN	Contestant	Team	Glider	Total	1.	2.	4.	5.	6.	7.	8.	9.	10.
1	XBY	Sarah Arnold	USA	Discus 2	<b>7,998</b>	1 (1,000)	10 (885)	2 (985)	4 (968)	7 (858)	10 (534)	6 (898)	1 (1,000)	5 (870)
2	ET	Aude Grangeray	France	Discus 2a	<b>7,932</b>	11 (752)	3 (953)	5 (962)	1 (1,000)	12 (799)	1 (600)	5 (900)	3 (966)	1 (1,000)
3	L7	Ayala Truelove	United Kingdom	LS 8	<b>7,601</b>	14 (685)	11 (874)	3 (983)	2 (976)	4 (964)	3 (575)	14 (780)	2 (992)	12 (772)
4	FX	Dana Nováková	Czech Republic	LS 8	<b>7,540</b>	10 (756)	13 (870)	6 (952)	13 (885)	3 (997)	13 (532)	9 (820)	6 (925)	10 (803)
5	EU	Hana Treslova	Czech Republic	LS 8	<b>7,526</b>	12 (743)	13 (870)	8 (950)	11 (889)	2 (999)	10 (534)	10 (817)	7 (921)	10 (803)
6	W8	Jana Veprekova	Czech Republic	LS 8	<b>7,476</b>	13 (713)	12 (873)	6 (952)	12 (888)	1 (1,000)	12 (533)	15 (779)	5 (927)	8 (811)
7	LT	Lisa Trotter	Australia	LS 0	<b>7,410</b>	2 (020)	3 (007)	10 (050)	7 (057)	0 (051)	3 (005)	1 (1,000)	3 (025)	14 (023)
8	OC	Claire Scutter	Australia	LS 0	<b>7,325</b>	3 (701)	7 (000)	12 (070)	10 (050)	0 (000)	7 (504)	2 (354)	12 (774)	10 (070)
9	1A	Akemi Ichikawa	Japan	LS 8	<b>7,225</b>	8 (776)	6 (892)	9 (947)	8 (909)	14 (724)	15 (436)	4 (934)	10 (801)	9 (806)
10	JPA	Aude Untersee	France	Discus 2a	<b>7,134</b>	16 (0)	1 (1,000)	4 (965)	14 (883)	6 (884)	5 (565)	3 (939)	4 (929)	2 (969)
11	P1	Agata Kaszczuk	Poland	LS 8	<b>7,112</b>	5 (801)	16 (835)	15 (850)	6 (957)	10 (831)	16 (434)	7 (854)	16 (703)	7 (847)
12	PO	Serena Triebel	Germany	LS 8	<b>7,057</b>	7 (789)	5 (894)	16 (797)	5 (967)	15 (639)	8 (550)	12 (799)	14 (766)	6 (856)
13	S7	Ulrike Teichmann	Germany	LS 8	<b>7,047</b>	14 (685)	15 (866)	14 (854)	15 (870)	9 (839)	9 (544)	11 (804)	15 (707)	4 (878)
14	FQF	Comelia Schaich	Germany	LS 8T	<b>6,897</b>	5 (801)	2 (960)	13 (858)	8 (909)	16 (349)	4 (574)	13 (796)	13 (768)	3 (882)
15	LOT	Anna Piotrowska	Poland	LS 8	<b>6,819</b>	4 (816)	4 (939)	1 (1,000)	3 (972)	13 (772)	2 (576)	8 (829)	8 (894)	16 (21)
16	XZ	Catherine Conway	Australia	Discus 2b	<b>5,940</b>	3 (020)	7 (000)	11 (050)	16 (002)	11 (000)	14 (020)	16 (027)	10 (001)	15 (102)

### Club

#	CN	Contestant	Team	Glider	Handicap	Total	1.	2.	4.	5.	6.	7.	8.	9.	10.
1	40	Elena Fernani	Italy	Discus	1.045	<b>7,859</b>	4 (931)	5 (818)	1 (1,000)	12 (902)	10 (893)	13 (496)	4 (944)	2 (875)	1 (1,000)
2	CQL	Christine Grote	Germany	LS 4	1.022	<b>7,735</b>	7 (909)	6 (813)	1 (1,000)	2 (972)	2 (944)	8 (520)	1 (1,000)	3 (872)	8 (705)
3	V57	Céline Rault	France	LS 4B	1.025	<b>7,708</b>	11 (859)	1 (1,000)	8 (944)	7 (945)	1 (1,000)	7 (544)	6 (940)	5 (866)	14 (610)
4	HC	Jo Davis	Australia	AGW 20	1.050	<b>7,700</b>	2 (970)	2 (950)	3 (050)	1 (1,000)	3 (942)	2 (074)	0 (910)	1 (900)	15 (540)
5	BM	Sabrina Vogt	Germany	LS 4 WL	1.026	<b>7,667</b>	8 (901)	8 (804)	3 (995)	4 (964)	5 (936)	9 (518)	2 (990)	6 (859)	9 (700)
6	WH	Claudia Hill	United Kingdom	LS 4	1.025	<b>7,402</b>	5 (921)	11 (781)	5 (978)	13 (885)	13 (791)	4 (561)	10 (854)	4 (869)	5 (762)
7	J1	Judyta Czyz	Poland	ASW 19	1.004	<b>7,378</b>	3 (949)	7 (807)	4 (990)	8 (940)	15 (740)	11 (503)	13 (811)	10 (758)	2 (880)
8	BI	Kinga Tchorz	Poland	SZD-48-3	1.01	<b>7,324</b>	6 (919)	9 (799)	6 (976)	5 (960)	16 (730)	12 (500)	14 (807)	11 (756)	3 (877)
9	UKE	Barbora Moravcova	Czech Republic	ASW 19B	1.008	<b>7,163</b>	14 (778)	15 (730)	13 (752)	6 (954)	7 (924)	1 (600)	3 (977)	12 (733)	6 (715)
10	KW	Jenny Canderton	Australia	Moosequit	1.04	<b>7,091</b>	1 (1,000)	3 (005)	17 (000)	3 (007)	14 (744)	5 (007)	3 (000)	10 (000)	10 (007)
11	AJ	Ines Engelhardt	Germany	LS 4	1.029	<b>7,040</b>	10 (895)	12 (764)	12 (771)	15 (824)	11 (859)	3 (571)	11 (845)	14 (703)	4 (808)
12	CQO	Klára Teichmannová	Czech Republic	LS 4	1.025	<b>7,022</b>	16 (737)	13 (760)	11 (787)	10 (924)	9 (922)	15 (464)	5 (941)	7 (800)	11 (687)
13	SC	Amélie Audier	France	LS 4	1.022	<b>6,954</b>	9 (898)	4 (829)	7 (970)	16 (822)	4 (940)	16 (459)	7 (930)	9 (779)	17 (327)
14	MF	Kathryn Fosha	USA	LS 1 f	1.013	<b>6,916</b>	13 (826)	14 (741)	14 (732)	11 (918)	6 (930)	10 (509)	15 (750)	7 (800)	7 (710)
15	JO	Petra Piskatá	Czech Republic	LS 1 f	1.002	<b>6,576</b>	15 (761)	10 (797)	10 (813)	8 (940)	12 (832)	17 (426)	12 (816)	17 (497)	10 (694)
16	XJY	Sylvia Grandstaff	USA	LS 7 WL	1.031	<b>6,299</b>	12 (841)	17 (330)	15 (717)	14 (874)	8 (923)	6 (550)	16 (734)	15 (644)	12 (686)
17	T1	Kerrie Claffey	Australia	GZD 55	1.002	<b>5,660</b>	17 (070)	16 (001)	16 (070)	17 (071)	17 (010)	14 (404)	17 (004)	16 (000)	16 (405)

### 18 Metre

#	CN	Contestant	Team	Glider	Total	1.	2.	4.	5.	6.	7.	8.	9.	10.
1	FQ	Mélanie Gadoulet	France	JS 3	<b>8,137</b>	4 (985)	2 (986)	2 (867)	3 (979)	3 (979)	3 (423)	6 (958)	3 (994)	3 (966)
2	FM	Anne Ducarouge	France	JS 3	<b>8,123</b>	8 (945)	1 (1,000)	3 (862)	3 (979)	1 (1,000)	3 (423)	7 (950)	2 (996)	2 (968)
3	1B	Katrin Senne	Germany	JS 3	<b>7,829</b>	6 (976)	4 (917)	4 (859)	8 (896)	6 (898)	2 (434)	3 (986)	7 (863)	1 (1,000)
4	51	Elizabeth Sparrow	United Kingdom	ASG 29	<b>7,739</b>	3 (991)	5 (910)	5 (851)	2 (990)	4 (967)	6 (416)	12 (866)	4 (993)	8 (755)
5	XM	Alena Netusilova	Czech Republic	JS 3	<b>7,466</b>	1 (1,000)	6 (872)	1 (1,000)	9 (888)	2 (983)	12 (105)	4 (971)	8 (845)	7 (802)
6	OG	Ailsa McMillan	Australia	JS1	<b>7,401</b>	4 (905)	12 (730)	6 (842)	1 (1,000)	7 (002)	1 (402)	1 (1,000)	1 (1,000)	11 (052)
7	HO	Lisa Turner	Australia	AGG 29	<b>7,100</b>	1 (1,000)	11 (770)	3 (707)	7 (904)	10 (700)	6 (410)	2 (950)	6 (900)	3 (537)
8	ZE	Jana Treslova	Czech Republic	JS 3	<b>7,036</b>	9 (936)	10 (826)	10 (619)	12 (794)	11 (771)	8 (316)	5 (969)	5 (985)	6 (820)
9	P	Joanna Biedermann	Poland	JS1 C	<b>6,658</b>	14 (757)	13 (655)	9 (670)	10 (843)	14 (717)	5 (419)	10 (886)	12 (794)	4 (917)
10	57	Margherita Acquademi	Italy	Ventus 3	<b>6,587</b>	11 (890)	3 (939)	11 (612)	11 (829)	12 (754)	11 (123)	9 (891)	14 (708)	5 (841)
11	PT	Stefanie Mühl	Germany	ASG 29	<b>6,513</b>	10 (924)	9 (848)	7 (814)	6 (913)	9 (802)	14 (99)	8 (896)	9 (841)	13 (376)
12	ZF	Eva Cerna	Czech Republic	JS 1C	<b>6,083</b>	13 (867)	7 (858)	14 (566)	14 (740)	8 (834)	13 (101)	13 (789)	13 (774)	10 (554)
13	J7	Jenny Thompson	Australia	AGG 29	<b>5,001</b>	7 (972)	14 (152)	12 (009)	5 (970)	10 (750)	10 (150)	11 (079)	11 (010)	12 (040)
14	MM	Diana Schuit	Luxembourg	JS 3	<b>5,552</b>	12 (888)	8 (850)	13 (608)	13 (746)	5 (902)	9 (250)	14 (422)	10 (822)	14 (64)

The IGC ranking of the WWGC 2019 and ranking points awarded to each competing pilot need to be updated, meaning that the complete season 2020 from 1 October 2019 to 30 September 2020 needs to be recalculated and republished on [igcrankings.fai.org](http://igcrankings.fai.org),

subsequently also necessitating recalculation and republishing of the preliminary results of season 2021.

### **3. Appeal deposit**

#### **a) AUS appeal**

AUS requested in their Notice of Appeal "*a full refund of the appeal fee of \$3000 EUR*". Considering the main request of AUS (removal of the penalty against each pilot) is not upheld, the Appeals Tribunal decides to not to refund the AUS appeal deposit.

#### **b) GBR and GER appeals**

GBR and GER have filed two identical appeal with a common Notice of Appeal, both paying a deposit of 3000 CHF.

Since both appeals may be considered as upheld on most of the requests the Appeals Tribunal decides to reimburse 2000 CHF to Royal Aero Club (GBR) and 2000 CHF to Deutscher Aero Club e.V. (GER).

4. According to the FAI International Appeals Tribunals Manual the Appeals Tribunal's decisions are immediately enforceable and be put into effect as soon as possible by the FAI Secretary General and all constituent parts of FAI (NACs, ASCs etc). All relevant parties shall be immediately notified.
5. According to the FAI Sporting Code General Section 6.6.2.2., the Appeals Tribunal's decisions are final unless an appeal is filed within 21 days of the publication date of the Appeals Tribunal's decision to the Court of Arbitration for Sport (CAS) in Lausanne, or unless major new factual issues which could have affected the decision are revealed after the decision, in which case CASI shall decide on further action.

### **IAT JUDGMENT PUBLICATION**

Sporting Code General Section paragraph 6.7 "Publication of decision" states: "*The FAI has the right to publish the judgement and give the names of the persons concerned. These persons may not use the publication of the judgement in order to institute proceedings against the FAI or against any person who made the publication.*"

Similar unsporting behaviour situations may occur in other events and/or other air sports, which will negatively impact FAI's reputation, and may discourage sportspersons from competing, future championship organizers from bidding for events as well as volunteers from working as officials. The present case has generated considerable public interest and therefore needs to be addressed openly.

FAI must take attention to preserve fair play in air sports events and encourage ASCs to penalize any unsporting behaviour. A clear signal must be given to both competitors and NACs.

Therefore, the Appeals Tribunal recommends that FAI distributes appropriate information, based on this Report and Decisions document together with relevant parts of the Summary of Facts document to all ASC Presidents and NACs.

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(end of document)