IN THE COURT OF ARBITRATION FOR SPORT
APPEALS DIVISION

No. /2021

BETWEEN

Air Sport Australia Confederation Applicant / Appellant

AND

Fédération Aéronautique Internationale Respondent

AND

The Royal Aero Club of United Kingdom Affected Party

AND

The Deutscher Aero Club e.V. Affected Party

ANNEXURE 'C'

(Appeal Brief - R51 Code of Sports-related Arbitration 2020)

Applicant / Appellant's Documents Relied on in this Appeal

No.	Page	Date	Document
C1	2-110	11/08/21	Summary of the Facts v. 1.1
C2	111-481	04/04/20	Australian Team - Notice of Appeal
C3	482-555	11/02/20	Gliding Australia Report WWGC 2020
C4	556-563	16/10/20	Statement of Terry Cubley
C5	564-567	15/12/20	Information regarding the proprietary software
C6	568-636	13/02/21	Transcript of the Australian oral hearing
C7	637-640	17/08/21	Letter from ASAC to the FAI International Tribunal Chair

SUMMARY OF THE FACTS
AUS & GBR/GER APPEALS
10th FAI WOMEN WORLD GLIDING CHAMPIONSHIPS

Version 1.1 including appendices

This document contains the revised Summary of Facts (version 1.1) covering all events at and in connections with the 10th FAI Women World Gliding Championships that have been deemed of interest to this FAI International Appeals Tribunal for deciding the two appeals submitted by the NACs of AUS and GBR+GER.

Prior to presenting the official version 1.0 to the parties on 11 July 2021 the IAT has made several draft versions available for review (see APPENDIX D in this document) and all relevant and interested parties have contributed to the content. Evidence has been shared with the appellants (see list in APPENDIX E in this document).

With this IAT officially been appointed by FAI on 18 June 2020 the fact-gathering and checking phase has thus taken more than a year. The facts as presented in this document version 1.1 are deemed to be complete and correct according to the FAI International Appeals Tribunal Manual, and shall be the document on which the deliberations and decisions of the IAT will be based.

Reno Filla
Chairperson of the IAT



Dated: 11 August 2021

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SUMMARY OF THE FACTS
AUS & GBR/GER APPEALS
10th FAI WOMEN WORLD GLIDING CHAMPIONSHIPS

Note: All times if not marked otherwise are given in Australian Eastern Daylight Time, AEDT ("Sydney summer time").

0. Nomenclature
    0.1. Officials and other named actors at the WWGC, relevant to the matter
        0.1.1. Mandy TEMPLE: Championship Director (further on abbreviated as "CD")
        0.1.2. Anita TAYLOR: Deputy Championship Director ("DCD")
        0.1.3. Frouwke KUIJPERS: Chief Steward ("CS")
        0.1.4. Gisela WEINREICH: Jury President ("JP")
        0.1.5. Peter TEMPLE: Scorer ("Scorer")
        0.1.6. Terry CUBLEY: Australian Team Captain ("AUS TC" or "TC AUS")
        0.1.7. Matthew GAGE: one of the Australian Team Coaches (here further abbreviated only as "AUS TCo" or "TCo AUS", but it is understood that AUS had more than one Team Coach) and developer of the tracking software described in section 27.
        0.1.8. Lisa TURNER: Australian team pilot ("AUS TP" or "TP AUS") in 18m class
        0.1.9. Jacques GRAELLS: Developer of G-Track Live and system administrator ("SysAd") during the WWGC
    0.2. Additional abbreviations
        0.2.1. FAI: Fédération Aéronautique Internationale / World Air Sports Federation
        0.2.2. WWGC: FAI Women's World Gliding Championships, in this document WWGC will refer specifically to the 10th FAI WWGC at Lake Keepit, AUS
        0.2.3. IAT: FAI International Appeal Tribunal
        0.2.4. CASI: FAI General Airsport Commission
        0.2.5. IGC: FAI International Gliding Commission
        0.2.6. NAC: National Airsport Control
        0.2.7. GFA: Gliding Federation of Australia
        0.2.8. AUS: Australia
        0.2.9. GER: Germany
        0.2.10. ITA: Italy
        0.2.11. JPN: Japan
        0.2.12. LUX: Luxembourg
        0.2.13. GBR: United Kingdom of Great Britain and Northern Ireland
        0.2.14. USA: United States of America
        0.2.15. NZL: New Zealand
        0.2.16. POL: Poland
        0.2.17. CZE: Czech Republic
        0.2.18. BEL: Belgium

0.2.19. JPN: Japan
0.2.20. TC(s): Team Captain(s)
0.2.21. TP(s): Team Pilot(s)
0.2.22. LP: Local Procedures
0.2.23. OGN: Open Glider Network (see: https://www.glidernet.org/)
0.2.24. EUR: Euro (€)
0.2.25. CHF: Swiss Franc

1. The FAI received two appeals concerning decisions taken at the 10th FAI Women's World Gliding Championships held in Lake Keepit, Australia (3 to 17 January 2020):
   1.1. Appeal submitted on 8 April 2020 by the Air Sport Australia Confederation (ASAC) as NAC AUS, on behalf the Australian TPs.
   1.2. Joined appeal submitted by The Royal Aero Club as NAC GBR (on 14 April 2020) and by Deutscher Aero Club e.V. as NAC GER (on 15 April 2020).

2. The appeals concern decisions announced on 17 January 2020 by the International Jury to award a penalty of 225 points to each AUS TP.
   2.1. The prescribed time limit is 90 days to receive appeals at FAI, resulting in a dead line for the present case on 16 April 2020.
   2.2. FAI received an appeal fee payment of 3 000 EUR on 7 April 2020 from AUS.
   2.3. Upon request by GBR the CASI Bureau extended the dead line by 30 days.
   2.4. FAI received an appeal fee payment of 3 000 CHF on 17 April 2020 from GER, and on 24 April 2020 from GBR.
   2.5. The two appeals (i.e. one from AUS and one joint appeal from GER and GBR) have been considered by FAI submitted within the prescribed time-limit.

3. Both appeals are based on the same facts, therefore CASI has appointed (18 June 2020 CASI President email) an International Appeal Tribunal (IAT) consisting of:
   - Reno FILLA (Sweden): Chairperson
   - Bruno DELOR (France): Member
   - Alexander GEORGAS (Greece): Member

4. Important dates of the competition:
   - Unofficial Training: 28th to 30th December 2019
   - First Official TC Briefing: 30th December 2019 at 7pm
   - Official Training: 31st December 2019 to 2nd January 2020
   - Mandatory Safety Briefing: 31st December 2019 at 9.30am
   - Opening Ceremony: 3rd January 2020 at 10am
   - Contest Flying: 4th to 17th January 2020
   - Farewell Party: originally scheduled for 17th January 2020 evening
   - Closing Ceremony and Prize-Giving: originally scheduled for 18th January 2020 at 10am

5. On 30 December 2019 the first Team Captains' Meeting was held at 7 pm, with all TCs present.
   5.1. TC LUX asked on item #4 of the Agenda (*"OGN - will be on"*) why access to live tracking through the official system G-Track Live will not be possible during the competition as soon as OGN will be on.

5.2. The request was been supported by TC ITA and TC USA.

5.3. The CD explained that it had taken many months to get the LP approved and that the IGC promoted the philosophy of a 15 min delay.

5.4. The CD concluded the discussion pointing that rules must be followed as they are written, and therefore she cannot give access to un-delayed live tracking from G-Track Live.

5.5. Item #4 on the agenda referred to the decision that the club's local OGN receiver would not be turned off. Thus any tracking website getting data from public OGN would also get live data from the OGN receiver at Lake Keepit.

6. A daily briefing for TPs, TCs, crew, volunteers and officials was held on every official practice day (31 December 2019 to 2 January 2020).

6.1. At the briefing held on 2 January at 10 am, TC ITA asked again if it was possible to get access the un-delayed live tracking during the competition.

6.2. The CD confirmed that the 15 minutes delay must be applied according to the approved LP.

6.3. All AUS TPs, AUS TC Terry CUBLEY and AUS TCo Matthew GAGE attended this briefing.

7. Throughout the competition the question of the AUS team having an unknown source of detailed live data was raised several times.

7.1. Already in the beginning of the WWGC G-Track Live SysAd asked AUS TCo about the source of their detailed information and received the reply that this cannot be shared at the time but will be explained at the end of the competition.

7.1.1. TC AUS states that also he had been approached with the same question by SysAd and responded the same way as TCo AUS.

7.2. During the second contest week TC LUX asked one AUS crew member about the source of their detailed data and was told it was all legal and publicly available (see 28).

7.3. Ground team GBR monitored the AUS radio channel from time to time throughout the whole event and was unable to comprehend the source of the detailed information.

7.3.1. In a related discussion between TC GBR and G-Track Live SysAd the latter was at the time firmly convinced that the source of the AUS information couldn't be G-Track Live.

7.3.2. During the competition TC GBR raised this issue of an unknown AUS source of live tracking data with CS which did not respond verbally to TC GBR but had an internal discussion with CD and DCD about it.

7.3.2.1. TC GBR recollects this conversation having taken place in the first week of the competition, around Thursday.

7.3.2.2. CS recollects this conversation having taken place in the second half of the competition, some days prior to the end.

7.3.3. At the time CS, CD and DCD reasoned that team AUS got the information via private antennas in the competition area.

7.3.4. Having received no official response TC GBR pursued the matter no further at that time.

8. On 15 January 2020: CS asked TC AUS about the source of their information.

8.1. TC AUS responded that they got it from the internet and that it was publicly available, but was otherwise vague about it.

8.2. At that time TC AUS did not yet advise that TCo AUS had achieved access to G-Track Live (see 11.3).

9. On 16 January 2020 around 1 pm the CD asked the JP if the Jury would agree to advance the prize giving / closing ceremony that was initially scheduled for 18 January at 10 am.

9.1. The reason was the weather forecast with a prediction of storms and rain for the next two days which would not allow competition flights.

9.2. Following the briefing in the morning of 16 January that day had been cancelled as a competition day.

9.3. The JP agreed to the proposal.

9.4. The JP mentioned that the results can only be official after expiry of the protest time and after eventual protests have been dealt with.

9.5. Therefore, it was agreed that the prize giving / closing ceremony will be moved forward to 17 January 2020 after the farewell party.

10. One of the communication channels between the Organiser and all TCs was a group chat in WhatsApp (named below "WhatsApp group chat")

10.1. On 16 January 2020 around 3 pm the CD informed all TCs through that channel that *"Plan B is to hold the ceremony Friday evening"*.

10.2. This was confirmed via the WhatsApp group chat on 17 January 2020 around 1 pm.

11. On 16 January 2020:

11.1. Around 2 pm, the CD got information that someone had access to the official tracking data and had used it.

11.1.1. This was considered an unauthorised access.

11.1.2. This was after the WWGC SysAd of the G-Track Live system Jacques GRAELLS became aware that someone had accessed the un-delayed position data.

11.2. Around 3 pm, the CD sent the following message via the WhatsApp group chat: *“We have just become aware that someone has accessed live tracking data from the official tracking system - during the tasks. If we discover that it was a competition team we will consider it unsporting behaviour per Section 6 of FAI Sporting Code General Section. We will continue our investigations and advise once we have identified those involved. CD”.*

11.2.1. The JP did not see this WhatsApp group message until after the meeting mentioned in 11.4 and was therefore not aware of the problem. According to the JP at that time she was in the Club House in conversation with the meteorologist and afterwards helped with the preparation for the common barbecue evening, which was threatened to be cancelled because of storm and rain, but was still planned indoors. She believes that she left her mobile phone in her room during that time.

11.3. Around 7 pm, the TC AUS met the CS.

11.3.0. It was agreed between CD, DCD and CS that it would be best to let the CS as the only non-Australian among the three to hold this meeting.

11.3.1. After being asked how the AUS team got the information provided by radio in flight to the pilots, the TC AUS advised that the TCo AUS

Matthew GAGE had access to the G-Track Live data, explaining he *"had found the live data freely available, without password protection, on the competition tracking web site and as there were no rules against using such freely available data, the Australian Coach decided to use it"* (See page 8 of the Australian Notice of Appeal).

11.3.2. At that time the TC AUS only advised that the access had been achieved but did not explain how.

11.3.3. TC AUS did not mention that their software was able to visualise the location and altitude of all competing gliders in a map together with other data of interest, like competitors' climb rates, weather observations and predictions.

11.4. At 9:30 pm, the DCD and the CS asked to see the JP to report alleged unauthorised access of the official competition tracking system.

11.4.1. They explained to the JP that the TC AUS advised that their team had somehow accessed a web page of the G-Track Live system and used the un-delayed data gathered from this page.

12. On 17 January 2020 around 7:30 am, the CD advised via the WhatsApp group chat that a Team Captains' Meeting will take place at 9 am in the WWGC office.

13. TCs' Meeting on 17 January 2020 at 9 am

13.0. At their usual meeting at 7 am CD, DCD and CS decided that no G-Track Live trackers would be used for this last day.

13.1. At 8:45 am, just prior to the TC meeting the CD and the TC AUS met briefly and the CD informed the TC AUS that he would be given an opportunity to explain the situation.

13.2. Present at the TCs' meeting were all TCs, the CD, DCD, CS and JP.

13.2.1. The DCD stated that Australia had gained unauthorised access to and used the live tracking data.

13.2.2. The CD explained that the organisation had been advised that someone had also accessed the data from Estonia.

13.2.3. The TC AUS was then asked to explain what they had done.

13.2.4. He addressed (but not formally apologised to) the other TCs and stated that he was sorry that there was a misunderstanding about the AUS team's actions but expressed that Australia had not hacked or accessed the data illicitly.

13.2.5. Reportedly TC AUS stated either *"We believe that we have done nothing wrong"* or *"I am sorry that you thought we had done the wrong thing but we had not broken any rules or laws in accessing the information*".

13.2.6. Several TCs advised that they would protest.

13.2.7. The process was discussed with the JP and she advised how much time would be needed to consider a protest. The deadline was set to 2 pm so the scores could be finalised in time.

13.2.8. The meeting had to be cut short by the need for all present to attend the day's competition briefing.

13.3. After the briefing all TCs minus TC AUS held a debriefing of the previous TC meeting. The JP asked to be present as a silent observer, which was granted. The CD, DCD and CS were not present.

13.3.1. This meeting agreed to write a joint complaint from all TCs except TC AUS. See 16.

13.4. The CD states that the only time the word *"illicit"* was used in official communication from the competition organiser was in a single WhatsApp message right after this meeting (See 14). Afterwards it was agreed to use the term *"unauthorised".*

13.4.1. AUS states that the term *"illicit"* was also featured in a post on the notice board.

13.4.2. The term *"illicit"* appears to have been frequently used in subsequent communication by various people, including DCD, JP, TCs (for example, see 16).

14. After the TCs' Meeting finished, the DCD sent at around 10 am the following message via the WhatsApp group chat:

"The Decision

The use of the data gained illicitly is considered by us to be unsporting behaviour. We believe the pilots were not aware of the illicit nature of the data and so will not be sanctioning the Australian Pilots.

The actions available to us is to require the Australian Team Captain to make a public apology to the Organisation, the Team Captains and the IGC. Further to refer the matter to the IGC and GFA.

As discussed you have until 2 pm to appeal/protest this decision."

15. At 10:30 am, TCo AUS Matthew GAGE was requested to attend the WWGC office.

15.1. Present were otherwise CD, DCD, Scorer, G-Track Live (developer and) SysAd, as well as AUS TP Lisa TURNER.

15.2. TCo AUS confirmed that he had used his knowledge of the system to accessed the un-delayed tracking data from G-Track Live. No *"hack"* was required if one knew where to look. The data could simply be accessed using the right URL.

15.3. Like TC AUS before, also TCo AUS did not mention that the software he developed was able to visualise the location of all competing gliders in a map together with other data of interest, like competitors' climb rates, weather observations and predictions.

16. On 17 January 2020 at 12:08 pm, following a WhatsApp message at 11:27 am, the TC USA lodged via email the following complaint from all TCs other than the TC AUS:

"To: Mandy Temple, WWGC Championship Director

From: Team Captains for USA, Germany, Poland, Italy, Luxembourg, Japan, UK, France, Czech Republic

Subject: Complaint regarding your decision of 17 Jan 2020 at 09:57, regarding the matter of the Australian team using GFA tracking data.

We concur with your decision that the use of data gained illicitly is unsporting behavior.

We disagree that the pilots who benefited from this information should escape sanction. The reason given for this is that you believe the pilots were not aware of the illicit nature of the data. We believe the pilots must necessarily have known that they were receiving real-time tracking data of considerable tactical value, information almost certainly not available to other teams. We further believe that a lack of knowledge of the exact sources of this data is not sufficient to avoid sanction for its use.

The use of the competition's own data by the home team in a manner and with knowledge that was not available to other teams is both unsporting behavior (as you have stated) and unquestionably brings the FAI into disrepute (reference Sporting Code

General Section 6.2.2), therefore the penalties given do not reflect the gravity and scale of the offence, and the damage this has done to our sport.

We believe the competition should reconsider the applicable penalty, which can be up to disqualification of the Australian team.

We specifically ask that the penalty for this be reconsidered, and that you consider penalties up to team disqualification."

17. On 17 January 2020 around 12:00 pm, the CD and DCD met informally with the TC AUS on the grid (in his car) to advise that a penalty was likely to be applied.
    17.1. According to the AUS team, the CD and DCD tried to convince the TC AUS to accept a penalty of disqualification and then the Jury could determine the truth in a protest, which he refused.
        17.1.1. According to the CD they merely mentioned all possible penalties and discussed that there was likely to be at least one protest afterwards.
        17.1.2. In a separate statement also the DCD disagrees with 17.1: there was no attempt at convincing TC AUS to accept any particular penalty. CD and DCD advised they considered a 250 point penalty to each AUS TP, to be applied to the previous day since the day results prior had already been finalised. They also stated that they disagreed with team disqualification. They then allowed TC AUS time to consider and advise of his position. In a subsequent phone call 10 minutes later TC AUS confirmed to CD that he would accept the 250 point penalty and that the AUS team then would protest it.
    17.2. Further, according to the AUS team the CD and DCD said that they could not investigate the facts in the timeframe given and would apply a points penalty and leave that to the Jury to decide in case of a protest.
        17.2.1. The CD denies that this statement (17.2) has been made.
        17.2.2. In a separate statement also the DCD disagrees with 17.2: *“This is factually incorrect. It did not occur and the notion was never raised.”*

18. On 17 January 2020 around 12:40 pm, the CD sent via the WhatsApp group chat the following message:
    "We have considered the complaint received and new information this morning and reviewed our decision. We issue a penalty of 250 pts to each Australian team pilot. CD"
    18.1. These 250 points are the result of 25 deducted points per day for 10 flying days (see 22.2.2).
    18.2. The CD explains to the IAT that together with the CS they reasoned that *“if on average the technology had gained each pilot information about one extra thermal per day it would equate to 25 points of performance.”*

19. On 17 January 2020 around 2 pm the CD informed via the WhatsApp group chat that the JP *"advises protest period closes at 14.37 two hours after our response to the complaint"*.
    19.1. The message above was deemed necessary as there was some confusion whether it the deadline was 2 hours after communication of the decision (see 18) or 2 hours after the unofficial scores has been posted at 1 pm.
    19.2. It was agreed with TC AUS that he would have until 3 pm nevertheless.

20. Four protests were submitted by TCs for AUS, GER, LUX and GBR. All protests including the protest fee (200 AUS $) were considered as received on time from each TC concerned.

21. Protest from TC AUS

21.1. The protest requested to remove the penalty arguing that the actions of the AUS team were not unsporting and that the AUS TPs did not gain an unfair benefit, furthermore that no rules had been breached and all data had been obtained legally.

21.2. Around 5:50 pm, the JP met the TC AUS and AUS TP Lisa TURNER.

21.3. Regarding this meeting the TC AUS holds the view that his attempt to discuss the rules and explain how the data have been obtained had been ignored.

21.4. The JP states on the contrary that she didn't ignore his explanation of rules and how the data have been obtained. According to her the JP listened to the explanations of the TC AUS, covering that the data gathered from G-Track Live were legally obtained, open to everyone. He further explained according to JP that *"in Australia we are not so familiar with the OGN System therefore we preferred to use G-Track Live system. The Europeans are highly experienced in using OGN for tracking the competitors and they always used it in competitions were we participated and sent tracking information etc. to their teams. We were upset about their advantages. Here in Lake Keepit the other Teams use OGN and Private OGN* (but couldn't tell which Teams). *They are able to obtain the same tracking data as we do from G-Track The web site monitor is not password protected, it is open to everyone, so we used it, no illicit actions, everything is legal."*

21.4.1. AUS TC recollects having said "*Here in Lake Keepit it is allowed to use OGN and Private OGN*" rather than "*Here in Lake Keepit the other Teams use OGN and Private OGN*".

21.5. The JP expressed to the TC AUS that the developer of the G-Track Live system and SysAd had a different view on this matter. He had explained the situation in writing to the Jury members.

21.6. According to the JP, at this meeting with TC AUS she stated that she had attended the meeting organised by the TCs (minus TC AUS) held earlier in the day after the briefing (where neither TC AUS nor CS, CD or DCD were present and JP attended as silent observer, see 13.3) which enabled her to see their view of the incident. Even though at this meeting the TCs agreed that a complaint about the lack of penalty would be sent to the CD signed by all the TCs (except TC AUS, see 16) no judgement was rendered at the time on her part (i.e. JP).

21.7. The JP advised the TC AUS that Australia had broken the 15 minutes requirement in LP section 4.1.1.c "Carriage of GNSS data transmitters for public displays".

21.8. The AUS protest was rejected by 2 votes to 1. The Jury reply mentions that *"Taking the appropriate rules into account, we (Jury) decided to award 25 points penalty each competition day for each Australian pilot."*

21.8.1. The JP states to the IAT that the Jury among other rules was guided by the FAI Sporting Code 3 Annex A sections 8.6 and 8.7, including all subsections, as well by the FAI Sporting Code General Section 6.2.2

21.8.2. As the specific offence was not considered to be covered in any of above rules the Jury applied section 2.3.2 of the Jury Handbook: *"If there are no rules or penalties applicable to the facts, the Jury must look at the decision of the Event Director and decide if this was an appropriate and fair decision."* – the majority decision was that the penalty of 25 points deducted per competition day imposed by the CD was appropriate (see 18.2).

21.9. The reply of the Jury to the protest is dated 20 January 2020 and was emailed that same day by the JP to the TC AUS.

21.10. After receiving the reply to his protest, the TC AUS requested the Jury by email on 21 January to re-open or re-consider their decision.

21.10.1. There is no provision in the rules for such a request.

21.10.2. The JP answered on 22 January 2020 by email to the TC AUS that the Jury does not consider it necessary to re-open the case.

22. Protests from TC GER, TC LUX and TC GBR

22.1. Three separate protests were submitted, all with the demand to disqualify all pilots of the AUS team arguing the penalty as insufficient and *“does not reflect the significant advantage the home team gained, the premeditated intent to gain an advantage by unfair means and that the scale and audacity of the home teams actions brings the Sport of Gliding and the FAI into disrepute”*.

22.1.1. TC GBR drafted a protest document and invited the other TCs to copy the document for their respective protest, considering *"shortage of time for none English native speaker"*.

22.1.2. The protest also stated that *“there are multiple precedents in international sport that competitors can be disqualified or penalised even when they are not aware of the unsporting behaviour or rule breaking of their team or country”*.

22.2. The protests were rejected by the Jury with 2 votes to 1 as a disqualification of the AUS team was not deemed appropriate by the Jury.

22.2.1. The reply mentions: *"The reply of the protest is to award 25 penalties per each comp. day to each Australian pilot. This makes 225 points in total for 9 days instead of 250 penalties decided by the CD."*

22.2.2. The pilots undertook competition flights on ten contest days (4–10 and 13–15 January 2020) but on 6 January the day was cancelled late for safety reasons when about three hours on task heavy smoke on the final leg prompted the Organisers to prioritise returning home safely. The initial penalty from the CD of 25 points/day (see 18.2 for her reasoning) was applied per day with competition launch, similar to how a penalty for airspace infringement would be applied, but the Jury reasoned that since the day was cancelled the total number of competition days decreased to nine and therefore the penalty had to be reduced from 250 to 225 in total.

22.2.3. This above view regarding the number of days to apply a penalty to (22.2.2) is shared by the Sporting Code 3 Annex A Committee of the IGC.

22.2.4. Despite that the protests were rejected the Jury suggested the return of the protest fees with the remark that *"all protests have good grounds"*.

22.2.4.1. According to the appellants FAI has yet to return the protest fees.

22.3. The Jury replied to each protest individually, dated 19 January 2020. The text of the emails was shared on that same day with via the WhatsApp group chat.

23. Jury treatment of the protests

23.1. The Jury consisted of the JP (GER) who was present at the competition, and two remote Jury members: Max STEVENS (NZL) and Wojciech SCIGALA (POL).

23.1.1. None of the two remote Jury members participated in a final Jury meeting.

23.2. At around 8:30 pm the JP received a phone call from the POL Jury member who communicated that he supports the decision of rewarding 25 penalty points per competition day to each AUS TP.

23.3. The NZL Jury member couldn't be reached until approximately three hours before the deadline. Although disagreeing with some details, among others the level of the penalty and requesting to let his dissenting view be a matter of record he nevertheless supported the communication of the decision in writing at a later time.

23.4. The Jury did not invite any of the protesting parties to a meeting in order to represent their respective case in person.

23.5. The decision of the Jury was finalised around 8:30 pm with the prize giving and closing ceremony scheduled for 9 pm. The decision of the Jury presented before the prize giving and closing ceremony in writing to the CD was brief.

23.6. At the prize-giving ceremony, the results were announced with the 225 points penalty applied which impacted the Gold, Silver and Bronze medals in Club Class, including denying an AUS TP the Gold medal, and as one of the consequences awarding a GER TP the Silver medal rather than Bronze. In Standard Class an AUS TP was denied the Bronze medal, which got awarded to a GBR TP, instead.

23.7. None of the protests had received a written reply from the Jury in the time frame required by the rules. The replies of the Jury to the protests have been provided only after the official closing of the WWGC, on 20 January 2020.

23.8. Two Jury members (JP and POL Jury member) state that not having followed due process is highly regrettable yet that this had no impact on the decision as such. They agree that the situation was clear to them and had been discussed prior to the decision been communicated by the JP (see 23.3).

24. WWGC official tracking system (G-Track Live system)

24.1. The G-Track Live system had been developed with GFA support by Jacques GRAELLS on a voluntary basis. The idea was to get a tracking system for glider competitions in AUS available for free and giving a public display.

24.2. Initially, it was not imagined that the system would be used at the level of a World Championship. G-Track was eventually considered as the WWGC official tracking system considering the positive feedback and experience after using the system in about thirty AUS gliding competitions.

24.3. The G-Track Live system uses on-board GNSS data receivers to obtain information of each glider equipped, and the GSM mobile telephone 3G and 4G networks for transmission of the data to a server. The data is received and available for display with very little delay, essentially in real time.

24.4. During the WWGC at Lake Keepit the combined 3G/4G network covered essentially the complete competition area (figure provided by mobile network operator Telstra):

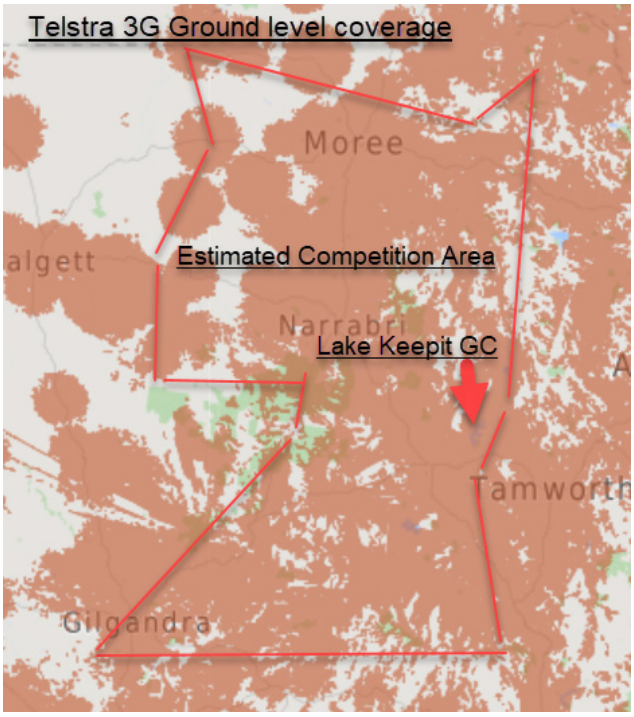


Figure 1a: https://www.telstra.com.au/coverage-networks/our-coverage

24.4.1. However, throughout this area there are also blackspots without 3G/4G coverage as reported by local communities. On the other hand, the amount of data transmitted by G-Track Live is very small, thus “no service” for sustained voice communication does not necessarily mean “no service” for the tiny data packages of G-Track Live.

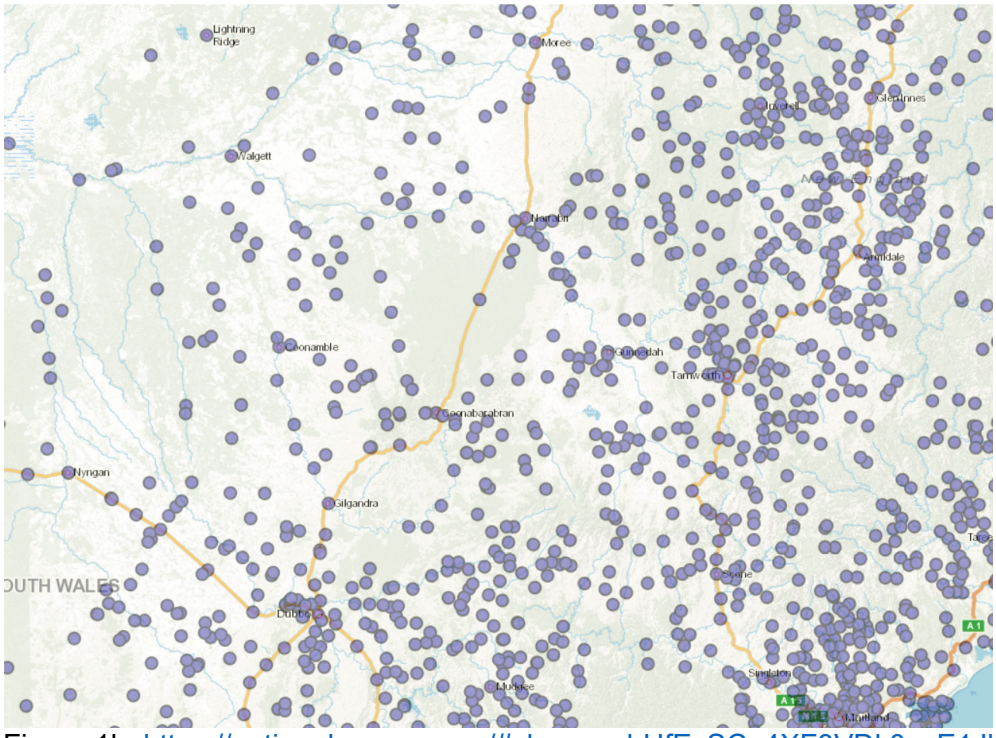


Figure 1b: https://nationalmap.gov.au/#share=s-hHfEzSCq4XF3VDk0rwE1JbXiXX5

24.5. The carriage of G-Track Live trackers was mandated per LP section 4.1.1 c Carriage of GNSS data transmitters for public displays: "*The organizers will require competing sailplanes to carry GNSS data transmitters to enable the public display of GNSS flight records during competition flights. 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."*

24.6. For each competition, an administrator is officially nominated to administer and run the system. The SysAd nominated for the WWGC was Jacques GRAELL, developer of the system.

24.7. The G-Track Live system includes two separate user interfaces:

24.7.1. A general interface via the web address "gtracklive.com" for the public display of the data with an open access (no login / password).

24.7.1.1. As required in the WWGC 2019 LP section 4.1.1.c, a 15 minutes time delay had been applied from the first competition day (but not for the practice days before the competition) to all data displayed on this general interface.

24.7.1.2. After selecting from the home web page the specific competition that the individual wants to observe or watch, they are taken to a web page displaying a map, task information (set by the administrator), glider positions, glider tracks and other data displayed in a smaller 'details screen'.

24.7.1.3. It was also possible to obtain details relevant to a specific glider by selecting it in the 'details screen', or by selecting the glider itself on the map, which then was displaying an overlay of the information relevant to that glider.

24.7.1.4. An option to replay previous days tracking information was also available from the home page.

24.7.2. An administrator interface via the web address "admin.gtracklive.com" with restricted access requiring a login and a password. Data and information available via the administrator interface were real time without the 15 minutes time delay.

24.7.2.1. The password to log on the administrator interface had been changed for the WWGC, also following advice from Matthew GAGE to do so.

24.7.2.2. When logged in, the administrator interface gives access via a menu to the different "admin.gtrack.com" sub web pages.

24.7.2.3. Subject to be logged in, it is also possible to access directly each sub web page by typing the address of the web page, for example "admin.gtracklive.com/events.php"

24.7.2.4. In the case where one is not logged in, a redirection to the login web page takes place in order to enter the admin credentials (username and password).

24.7.2.5. Sub pages included "Events" (allowing configuration of the events and tasks), "Report on/off" (reporting if pilots turned their trackers off during flight), and "Monitor" (used to troubleshoot trackers, providing last received data, i.e. position etc. for each device).

24.8. Following previous development work, during WWGC2019 the admin monitor page "admin.gtracklive.com/monitor.php" unintentionally did not require a

username and password to access it as the developer after testing had forgot to reinsert the required program line that controls the password protection.

24.8.1. The developer and system administrator was unaware of this omission which left the position data of gliders unprotected.

24.9. By mistake (a copy and paste error) the same monitor page did also exist for the public page, accessible through “gtracklive.com/monitor.php”, also showing un-delayed glider positions and also not protected by a password.

24.9.1. However, this monitor page on the public page was not advertised or reachable by a hyperlink, but it could be discovered when analysing the source code of the page, which a video circulated after the WWGC demonstrated publicly. The URL is seen mentioned in a source code line that had been commented out.

24.9.2. However, the logs did not show any access to this monitor page on the public site, the access by the AUS team was made through the admin page “admin.gtracklive.com/monitor.php”.

24.9.2.1. AUS TCo stated that his browser suggested the URL “admin.gtracklive.com/monitor.php” when he started typing “gtracklive” at one occasion.

24.9.2.2. Internet browsers have an auto completion feature that makes a list of suggestions while an address is being typed in. This auto-completion feature bases its suggestions on the browser's history.

24.9.2.3. AUS TCo had on previous occasions worked as a G-Track Live system administrator, among others at the AUS Nationals a few weeks earlier, which correlates to his statement that the URL “admin.gtracklive.com/monitor.php” was suggested to him – his browser history likely contained this URL.

25. Private tracking systems

25.1. With the introduction of Flarm many years ago pilots have been able to check on 3D position and climb of competitors in their immediate surroundings.

25.1.1. The amount of information available depends on combined broadcast and receiver range of the Flarm installation in both planes concerned.

25.2. With the later introduction of internet-connected ground-based Flarm receivers connected to the Open Glider Network (OGN), ground crews have been monitoring progress of competitors and passing information to their pilots.

25.2.1. The tactical use of tracking data obtained through OGN at International Gliding Competitions has been considered as within the rules applicable at the time.

25.3. The advantage of a team with “private OGN stations” (i.e. ground-based Flarm receivers not connected to the public OGN) over those without it has been a point of contention and discussion within IGC for some years but considered to be within the rules applicable at the time.

25.3.1. One advantage of a network of private OGN stations is that tracking information is available for areas where public OGN has no or only spotty coverage.

25.3.2. Another advantage arises from the possibility of “rogue OGN stations” that do not honour NoTracking requests (see 26).

25.3.3. There has never been proof of any team having deployed “private OGN stations” in an international gliding competition.

25.4. The IGC have over the years discussed rules to prevent the use of tracking data.

25.4.1. For safety reasons International Gliding Competitions require the use of Flarm in their respective LP.

25.4.1.1. For example WWGC 2019, LP section 4.1.1.c,d Additional Equipment and requirements: "*The installation and use of a proximity warning device (FLARM) is mandatory.*" And "*Non-functioning Flarms may be penalized as a safety breach. First offence a warning, subsequent breaches (n-1) X 25 points*."

25.4.2. The unintended use of Flarm to get information about competitors has been discussed at meetings of IGC Stewards for several years.

25.4.2.1. In connection with the 2016 IGC Plenary meeting in Luxembourg an "Open Flarm Forum" was held, discussing whether the IGC should control the use of Flarm and how such control would be enforceable.

25.4.2.2. The meeting discussed Flarm's competition mode ("stealth mode") and if tasks or rules can be designed to reduce the advantage that surveillance by Flarm gives.

25.4.3. During the 2018 and 2019 IGC Plenary meetings IGC Delegates discussed at length the use of real time tracking by ground crews to aid pilots during their task in connection. Several proposals:

25.4.3.1. "IGC rules (incl. penalties) for proper visibility of all gliders of the Championship" (GER) advocating for mandatory visibility of all gliders on OGN. Approved as Year 1 proposal 8.2.10 in 2018 and withdrawn as Year 2 proposal 8.1.7 by Germany in 2019.

25.4.3.2. "Re-establish the basic purpose of FLARM and define different and/or additional trackers for OGN tracking" (GER) advocating for separating the function of proximity awareness (Flarm) from live tracking (dedicated IGC Trackers to be developed). Approved as Year 1 proposal 8.2.11 in 2018 and approved as Year 2 proposal 8.1.8 in 2019.

25.4.3.3. "External aid to competitors as part of the rules" (GER) advocating for expressly allowing external aid by the ground crew. Approved as Year 1 proposal 8.2.12 in 2018 and disapproved as Year 2 proposal 8.1.9 in 2019.

25.4.3.4. "Delayed Time Tracking" (GBR) advocating for "*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.*" Approved as Other proposal 8.3.3 in 2019 and applicable immediately.

25.4.3.5. "External Aid to competitors" (GBR) advocating for the competition to be directly between the individual competitors, neither controlled nor helped by external aid, to consider the following as cheating: the use of mobile devices and competing pilots using data not being available in public domain. Approved as Year 1 proposal 8.2.2.3.b in 2019.

25.4.3.6. "External Aid to competitors" (BEL) advocating for adequate measures to be taken to ensure enforcement of rules against external aid. Introduced as Year 1 proposal 8.2.2.3.a in 2019 but withdrawn after discussion and approval of 8.2.2.3.b (see 25.4.3.5).

25.4.4. At the time of the WWGC 2019 in January 2020, there were no rules in effect prohibiting the use of authorised real time tracking data by pilots.

26. Open Glider Network (OGN)

26.1. During the WWGC at Lake Keepit the public information from OGN was accessible for everyone via different web sites, including "live.glidernet.org", "gliderradar.com" and "glideandseek.com".

26.2. OGN ground receiver respects the Flarm No-tracking flag, which is an option a pilot can enable in their respective unit in order to not get tracked by OGN.

26.2.1. Data packets are dropped by an OGN ground station as soon as the No-tracking flag detected in a message, received from a Flarm device where No-Tracking has been enabled.

26.2.2. The data is then not relayed to the OGN server infrastructure, which means the concerned glider cannot be viewed on OGN-connected websites such as mentioned above.

26.2.3. WWGC2019 competitors with enabled no-tracking flag were not visible on public OGN.

26.3. In addition to enabling the no-tracking flag a pilot has other options:

26.3.1. Use of the Random Mode for their Flarm ID

26.3.1.1. This makes a correlation of Flarm ID and competitor more difficult for anyone being interested in such surveillance.

26.3.2. Enabling the "I do not want to be tracked" option in the OGN database

26.3.2.1. Doing that, the glider is not displayed on the official OGN tracker but the data is still available and relayed to any other website asking for it.

26.3.2.2. The intended use is primarily for Search & Rescue.

26.3.2.3. However, it is possible that other websites do not respect this option and still display the glider in question.

26.4. At Lake Keepit the OGN did not cover all the competition area (figure by OGN):

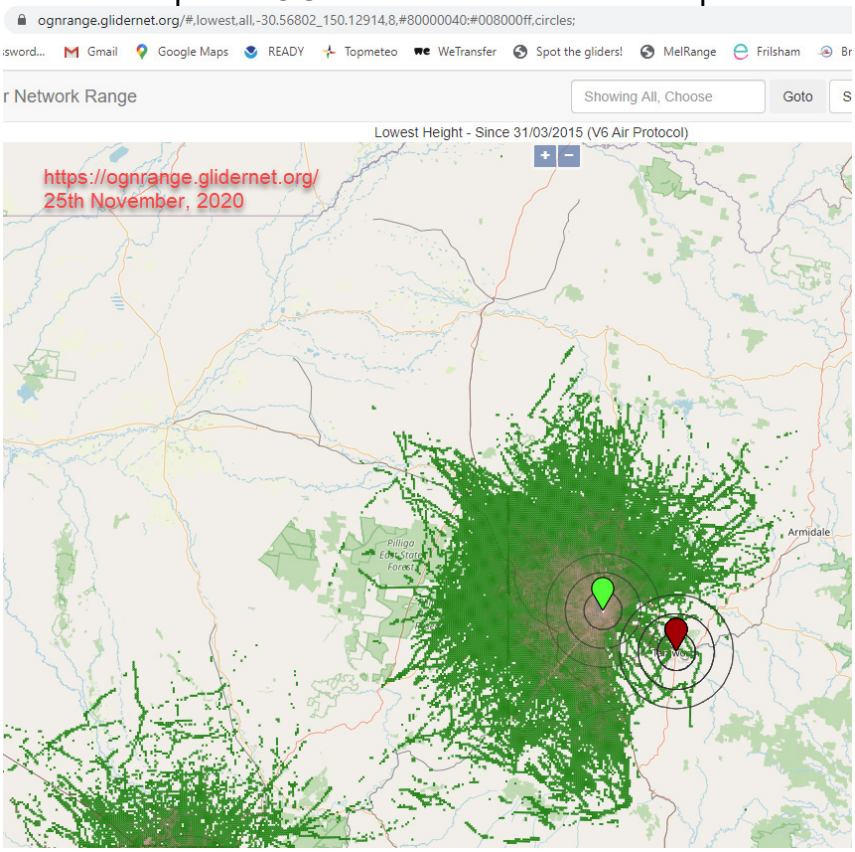


Figure 2

26.4.1. OGN data “faded” for some gliders very quickly as they moved away from Lake Keepit depending of the quality of their FLARM installation (red: flight traces from all IGC files recorded during the WWGC, green hues: overlayed data from OGN, provided by Melissa Jenkins)

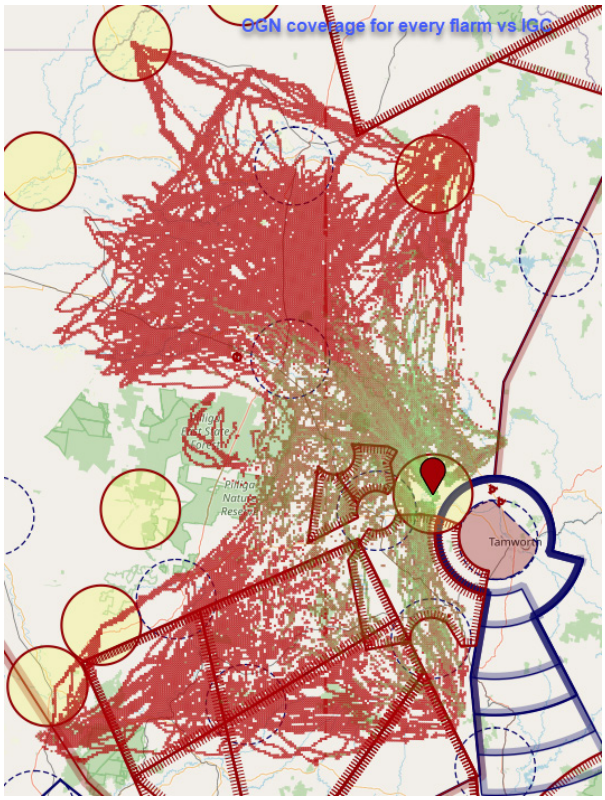


Figure 3

26.5. An individual or a group may create their own “private OGN” (the term itself being an oxymoron but widely used) with ground receivers and server infrastructure.

26.5.1. It is technically possible that such private systems are “rogue” and do not honour Flarm’s No tracking flag.

26.5.1.1. In that case, a private OGN network would provide live tracking data for all gliders equipped with a Flarm device within range of the receiver(s), i.e. even for pilots who have specifically requested not to be tracked.

26.5.2. At the time of the WWGC, use of such a private and possibly rogue system was not forbidden in the IGC Sporting Code rules.

26.5.3. Countering rogue OGN stations by technical means:

26.5.3.1. IGC has considered it necessary to develop its own tracking system, independent from Flarm, to avoid pilots switching off Flarm just to not been tracked by competitors (which would mean they also switch off the collision risk awareness functionality that is the original purpose of Flarm).

26.5.3.2. In addition, Flarm has been requested to modify their system such that the Flarm ID is shifting during the flight.

26.5.3.3. Shifting ID can be countered in turn by stitching flight traces that obviously are part of a set and comparing to manual observations.

27. Matthew GAGE, AUS TCo, had developed a system to monitor the location and progress of competing gliders (including altitude and climb rates) together with continuously updated weather information (forecast and actual development) and terrain, airspace etc. for the AUS ground crew.

27.1. The system allowed the viewing of all three classes on a single map.

27.2. Data was pulled from various sources like Google Earth, various weather sites, Lake Keepit OGN, FlightRadar24, and the G-Track Live system.

27.2.1. According to AUS appeal, appendix 11, paragraph 7 “Australian Team Tracking Program at WWGC” the system also allowed identifying each competitor’s FLARM ID even though it might have been set by the pilot to be randomly chosen in order to make identification difficult: *“During each flight, the Australian Team server collected tracking data from both the public OGN and the trackers and maintained a database of all known tracking points. Using these, the OGN data was compared with the tracking data to identify which OGN FLARM IDs corresponded to which official trackers to identify glider, pilot and team for OGN without doing extra work. This was possible with both the live tracking and the 15 minutes delayed tracking.”*

27.3. Similar systems have reportedly been used by other National teams during previous international gliding competitions. If authorised the combination of such data and use to aid pilots during competition had at the time not been prohibited.

27.4. The system was used to provide tactical information to the AUS TPs by radio in real time throughout the competition.

27.5. During practice days G-Track Live provided undelayed position data publicly. The 15 minute delay for public viewing was first applied on the first competition day.

27.6. The AUS TPs knew at some time during the competition that G-Track Live data was one of the sources of information used by ground crew to build a current picture of the competition and advise/direct the pilots.

27.6.1. According to testimony at the oral hearing for the GBR+GER appeal this matter was raised in one of the first AUS team briefings in the beginning of the WWGC. G-Track Live as a data source was explicitly mentioned.

27.6.2. AUS TPs had been advised by AUS TC and AUS TCo that there were no rules breached by the access and use of the G-Track Live data because it was *"publically available"* and in any case supposedly just gives the same advantage as a private OGN.

27.6.3. Later, some pilots (*"two at least, or three"* according to a subsequent investigation) asked at a team meeting for confirmation of this.

27.6.3.1. AUS TC confirmed at the oral hearing for the AUS appeal and according to his own statement: *"in the discussion I wasn't really all that enthusiastic about having long winded discussions about one bit of data versus another data. We just reinforced that it's within the rules"*.

27.6.4. According to a subsequently conducted investigation conducted by Damien GATES on behalf of the GFA *"in at least two cases a pilot felt they would be chastised or sanctioned if they raised or elevated the issue any further"*.

27.6.4.1. AUS TC was asked during the oral hearing for the AUS appeal if there would have been grounds for such fear, perhaps because a pilot had been grounded previously due to not following Team Captain orders. He denied with the words "*I'm surprised that they felt they would be chastised. I don't know if they meant chastised by me or chastised by other pilots or what it means. That's not quite my style, but people feel different things differently.*"

27.6.4.2. During the WGC 2018 at Hosin, CZE, the AUS TP Scott PERCIVAL was suspended from the AUS team for two days, quote: *"for not following team orders"* and thus grounded. He later got reinstated into the AUS team and was allowed to compete again. AUS TC was also Terry CUBLEY. The specific details of this incident are not within the scope of this IAT but the incident as such is known among AUS pilots.

27.6.4.3. AUS TC states: *"The pilot was grounded for not complying with the requirements of his pilot Code of Conduct, which was agreed to in order to be selected and receive funding. This decision was approved by the GFA President and Chair of Sports. Once he attended team meetings he was reinstated."*

28. Both TC LUX (George SCHUIT) and TC JPN (Makoto ICHIKAWA) asked to be allowed operate on the AUS radio channel, which TC AUS approved

28.1. Both LUX TP and JPN TP are based in Australia, thus there is an established personal relationship.

28.2. TC LUX states that the reason for asking to operate on the AUS frequency was safety

28.3. TC AUS states to the IAT that both team LUX and team JPN "*had access to the same information that we were transmitting to our pilots*" and therefore "*they were also involved*".

28.3.1. TC LUX denies that they were provided with access to the system of team AUS (see 27) or even having been shown how the system looked like.

28.3.2. TC JPN also states that they *“had no access to the special system that AUS team had, was never shown what it does or how it works”*.

28.4. TC JPN states that during training week he once went to Team AUS HQ at the airfield and spoke briefly with Matthew GAGE and others. He noticed that Matthew GAGE was trying not to show what he was watching on his PC screen during the training task.

28.5. During the second contest week TC LUX asked one AUS crew member about the source of their detailed data and was told it was all legal and publicly available.

28.6. TC LUX witnessed the continuous coaching of AUS TPs with detailed information, also for areas where OGN coverage was zero (see 26.4 and 26.4.1).

28.6.1. Most information was given relative to the known position of AUS pilots, thus being of less use for anyone else monitoring the AUS radio channel.

28.6.2. Example of a radio message to an AUS TP: “*About 8 km to your west the Germans are climbing with 7-8 kts.*”

28.6.3. Stated by AUS TP Lisa TURNER: “*They had a ruler and they could measure the distances between gliders and where the other gliders were, and they could vector Australian pilots to a climb and they got more accurate climb data*”.

APPENDIX A

Summary of Facts version 1.0

Presented to all relevant and interested parties on 11 July 2021 at ca. 21:30 UTC

SUMMARY OF THE FACTS
AUS & GBR/GER APPEALS
10th FAI WOMEN WORLD GLIDING CHAMPIONSHIPS

Note: All times if not marked otherwise are given in Australian Eastern Daylight Time, AEDT ("Sydney summer time").

0. Nomenclature
   - 0.1. Officials and other named actors at the WWGC, relevant to the matter
     - 0.1.1. Mandy TEMPLE: Championship Director (further on abbreviated as "CD")
     - 0.1.2. Anita TAYLOR: Deputy Championship Director ("DCD")
     - 0.1.3. Frouwke KUIJPERS: Chief Steward ("CS")
     - 0.1.4. Gisela WEINREICH: Jury President ("JP")
     - 0.1.5. Peter TEMPLE: Assistant Scorer ("ASco")
     - 0.1.6. Terry CUBLEY: Australian Team Captain ("AUS TC" or "TC AUS")
     - 0.1.7. Matthew GAGE: developer of data harvesting and visualization software as well as one of the Australian Team Coaches (here further abbreviated only as "AUS TCo" or "TCo AUS", but it is understood that AUS had more than one Team Coach)
     - 0.1.8. Lisa TURNER: Australian team pilot ("AUS TP" or "TP AUS") in 18m class
     - 0.1.9. Jacques GRAELLS: Developer of G-Track Live and system administrator ("SysAd") during the WWGC
   - 0.2. Additional abbreviations
     - 0.2.1. FAI: Fédération Aéronautique Internationale / World Air Sports Federation
     - 0.2.2. WWGC: FAI Women's World Gliding Championships, in this document WWGC will refer specifically to the 10th FAI WWGC at Lake Keepit, AUS
     - 0.2.3. IAT: FAI International Appeal Tribunal
     - 0.2.4. CASI: FAI General Airsport Commission
     - 0.2.5. IGC: FAI International Gliding Commission
     - 0.2.6. NAC: National Airsport Control
     - 0.2.7. GFA: Gliding Federation of Australia
     - 0.2.8. AUS: Australia
     - 0.2.9. GER: Germany
     - 0.2.10. ITA: Italy
     - 0.2.11. LUX: Luxembourg
     - 0.2.12. GBR: United Kingdom of Great Britain and Northern Ireland
     - 0.2.13. USA: United States of America
     - 0.2.14. NZL: New Zealand
     - 0.2.15. POL: Poland
     - 0.2.16. CZE: Czech Republic
     - 0.2.17. BEL: Belgium
     - 0.2.18. JPN: Japan
     - 0.2.19. TC(s): Team Captain(s)

0.2.20. TP(s): Team Pilot(s)
0.2.21. LP: Local Procedures
0.2.22. OGN: Open Glider Network (see: https://www.glidernet.org/)
0.2.23. EUR: Euro (€)
0.2.24. CHF: Swiss Franc

1. The FAI received two appeals concerning decisions taken at the 10th FAI Women's World Gliding Championships held in Lake Keepit, Australia (3 to 17 January 2020):
   1.1. Appeal submitted on 8 April 2020 by the Air Sport Australia Confederation (ASAC) as NAC AUS, on behalf the Australian TPs.
   1.2. Joined appeal submitted by The Royal Aero Club as NAC GBR (on 14 April 2020) and by Deutscher Aero Club e.V. as NAC GER (on 15 April 2020).

2. The appeals concern decisions announced on 17 January 2020 by the International Jury to award a penalty of 225 points to each AUS TP.
   2.1. The prescribed time limit is 90 days to receive appeals at FAI, resulting in a dead line for the present case on 16 April 2020.
   2.2. Upon request by GBR the CASI Bureau extended the dead line by 30 days.
   2.3. FAI received an appeal fee payment of 3 000 EUR on 7 April 2020 from AUS.
   2.4. FAI received an appeal fee payment of 3 000 CHF on 17 April 2020 from GER, and on 24 April 2020 from GBR.
   2.5. The two appeals (i.e. one from AUS and one joint appeal from GER and GBR) have been considered by FAI submitted within the prescribed time-limit.

3. Both appeals are based on the same facts, therefore CASI has appointed (18 June 2020 CASI President email) an International Appeal Tribunal (IAT) consisting of:
   - Reno FILLA (Sweden): Chairperson
   - Bruno DELOR (France): Member
   - Alexander GEORGAS (Greece): Member

4. Important dates of the competition:
   - Unofficial Training: 28th to 30th December 2019
   - First Official TC Briefing: 30th December 2019 at 7pm
   - Official Training: 31st December 2019 to 2nd January 2020
   - Mandatory Safety Briefing: 31st December 2019 at 9.30am
   - Opening Ceremony: 3rd January 2020 at 10am
   - Contest Flying: 4th to 17th January 2020
   - Farewell Party: originally scheduled for 17th January 2020 evening
   - Closing Ceremony and Prize-Giving: originally scheduled for 18th January 2020 at 10am

5. On 30 December 2019 the first Team Captains' Meeting was held at 7 pm.
   5.1. TC LUX asked on item #4 of the Agenda ('OGN - will be on') why access to live tracking will not be possible during the competition as soon as OGN will be on.
   5.2. The request was been supported by TC ITA and TC USA.
   5.3. The CD explained that it had taken many months to get the LP approved and that the IGC promoted the philosophy of a 15 min delay.

5.4. The CD concluded the discussion pointing that rules must be followed as they are written, and therefore she cannot give access to un-delayed live tracking.

6. A daily briefing for TPs, TCs, crew, volunteers and officials was held on every official practice day (31 December 2019 to 2 January 2020).
   6.1. At the briefing held on 2 January at 10 am, TC ITA asked again if it was possible to get access the un-delayed live tracking during the competition.
   6.2. The CD confirmed that the 15 minutes delay must be applied according to the approved LP.
   6.3. All TPs AUS, TC AUS Terry CUBLEY and TCo AUS Matthew GAGE attended this briefing.

7. Throughout the competition the question of the AUS team having an unknown source of detailed live data was raised several times.
   7.1. Already in the beginning of the WWGC G-Track Live SysAd asked AUS TCo about the source of their detailed information and received the reply that this cannot be shared at the time but will be explained at the end of the competition.
      7.1.1. TC AUS states that also he had been approached with the same question by SysAd and responded the same way as TCo AUS.
   7.2. During the second contest week TC LUX asked one AUS crew member about the source of their detailed data and was told it was all legal and publicly available (see 28).
   7.3. Ground team GBR monitored the AUS radio channel throughout the whole event and was unable to comprehend the source of the detailed information.
      7.3.1. In a related discussion between TC GBR and G-Track Live SysAd the latter was at the time firmly convinced that the source of the AUS information couldn’t be G-Track Live.
      7.3.2. Some days before the end of the competition TC GBR raised this issue of an unknown AUS source of live tracking data with CS which did not respond verbally to TC GBR but had an internal discussion with CD and DCD about it.
      7.3.3. At the time CS, CD and DCD reasoned that team AUS got the information via private antennas in the competition area.
      7.3.4. Having received no official response TC GBR pursued the matter no further at that time.

8. On 15 January 2020: CS asked TC AUS about the source of their information.
   8.1. TC AUS responded that they got it from the internet and that it was publicly available, but was otherwise vague about it.
   8.2. At that time TC AUS did not yet advise that TCo AUS had achieved access to G-Track Live (see 11.3).

9. On 16 January 2020 around 1 pm the CD asked the JP if the Jury would agree to advance the prize giving / closing ceremony that was initially scheduled for 18 January at 10 am.
   9.1. The reason was the weather forecast with a prediction of storms and rain for the next two days which would not allow competition flights.
   9.2. Following the briefing in the morning of 16 January that day had been cancelled as a competition day.

9.3. The JP agreed to the proposal.

9.4. The JP mentioned that the results can only be official after expiry of the protest time and after eventual protests have been dealt with.

9.5. Therefore, it was agreed that the prize giving / closing ceremony will be moved forward to 17 January 2020 after the farewell party.

10. One of the communication channels between the Organiser and all TCs was a group chat in WhatsApp (named below "WhatsApp group chat")

10.1. On 16 January 2020 around 3 pm the CD informed all TCs through that channel that *"Plan B is to hold the ceremony Friday evening"*.

10.2. This was confirmed via the WhatsApp group chat on 17 January 2020 around 1 pm.

11. On 16 January 2020:

11.1. Around 2 pm, the CD got information that someone had access to the official tracking data and had used it.

11.1.1. This was considered an unauthorised access.

11.1.2. This was after the WWGC SysAd of the G-Track Live system Jacques GRAELLS became aware that someone had accessed the un-delayed position data.

11.2. Around 3 pm, the CD sent the following message via the WhatsApp group chat: *"We have just become aware that someone has accessed live tracking data from the official tracking system - during the tasks. If we discover that it was a competition team we will consider it unsporting behaviour per Section 6 of FAI Sporting Code General Section. We will continue our investigations and advise once we have identified those involved. CD".*

11.2.1. The JP did not see this WhatsApp group message until after the meeting mentioned in 11.4 and was therefore not aware of the problem. According to the JP at that time she was in the Club House in conversation with the meteorologist and afterwards helped with the preparation for the common barbecue evening, which was threatened to be cancelled because of storm and rain, but was still planned indoors. She believes that she left her mobile phone in her room during that time.

11.3. Around 7 pm, the TC AUS met the CD, the DCD and the CS.

11.3.1. After being asked how the AUS team got the information provided by radio in flight to the pilots, the TC AUS advised that the TCo AUS Matthew GAGE had access to the G-Track Live data, explaining he *"had found the live data freely available, without password protection, on the competition tracking web site and as there were no rules against using such freely available data, the Australian Coach decided to use it"* (See page 8 of the Australian Notice of Appeal).

11.3.2. At that time the TC AUS only advised that the access had been achieved but did not explain how.

11.3.3. TC AUS did not mention that their software was able to visualise the location of all competing gliders in a map together with other data of interest, like competitors' climb rates, weather observations and predictions.

11.4. At 9:30 pm, the DCD and the CS asked to see the JP to report alleged unauthorised access of the official competition tracking system.

11.4.1. They explained to the JP that the TC AUS advised that their team had somehow accessed a web page of the G-Track Live system and used the un-delayed data gathered from this page.

12. On 17 January 2020 around 7:30 am, the CD advised via the WhatsApp group chat that a Team Captains' Meeting will take place at 9 am in the WWGC office.

13. TCs' Meeting on 17 January 2020 at 9 am
    13.1. Just prior to this meeting the CD and the TC AUS met briefly and the CD informed the TC AUS that he would be given an opportunity to explain the situation.
    13.2. Present at the TCs' meeting were all TCs, the CD, DCD, CS and JP.
        13.2.1. The DCD stated that Australia had gained unauthorised access to and used the live tracking data.
        13.2.2. The CD explained that the organisation had been advised that someone had also accessed the data from Estonia.
        13.2.3. The TC AUS was then asked to explain what they had done.
        13.2.4. He addressed (but not formally apologised to) the other TCs and stated that he was sorry that there was a misunderstanding about the AUS team's actions but expressed that Australia had not hacked or accessed the data illicitly.
        13.2.5. Reportedly TC AUS stated either *"We believe that we have done nothing wrong"* or *"I am sorry that you thought we had done the wrong thing but we had not broken any rules or laws in accessing the information*".
        13.2.6. The meeting had to be cut short by the need for all present to attend the day's competition briefing.
    13.3. The CD states that the only time the word *"illicit"* was used in official communication was in a single WhatsApp message right after this meeting (See message in item 14 below). Afterwards it was agreed to use the term *"unauthorised".*

14. After the TCs' Meeting finished, the DCD sent at around 10 am the following message via the WhatsApp group chat:

    "The Decision

    The use of the data gained illicitly is considered by us to be unsporting behaviour. We believe the pilots were not aware of the illicit nature of the data and so will not be sanctioning the Australian Pilots.

    The actions available to us is to require the Australian Team Captain to make a public apology to the Organisation, the Team Captains and the IGC. Further to refer the matter to the IGC and GFA.

    As discussed you have until 2 pm to appeal/protest this decision."

15. At 10:30 am, TCo AUS Matthew GAGE was requested to attend the WWGC office.
    15.1. TCo AUS demonstrated how he accessed the un-delayed tracking data from the G-Track Live system.
    15.2. Present were otherwise CD, DCD, ASco, G-Track Live (developer and) SysAd, as well as AUS TP Lisa TURNER.
    15.3. Like TC AUS before, also TCo AUS did not mention that the software he developed was able to visualise the location of all competing gliders in a map

together with other data of interest, like competitors' climb rates, weather observations and predictions.

16. On 17 January 2020 around 11:30 am, the TC USA lodged via the WhatsApp group chat the following complaint from all TCs other than the TC AUS:

    "To: Mandy Temple, WWGC Championship Director

    From: Team Captains for USA, Germany, Poland, Italy, Luxembourg, Japan, UK, France, Czech Republic

    Subject: Complaint regarding your decision of 17 Jan 2020 at 09:57, regarding the matter of the Australian team using GFA tracking data.

    We concur with your decision that the use of data gained illicitly is unsporting behavior.

    We disagree that the pilots who benefited from this information should escape sanction. The reason given for this is that you believe the pilots were not aware of the illicit nature of the data. We believe the pilots must necessarily have known that they were receiving real-time tracking data of considerable tactical value, information almost certainly not available to other teams. We further believe that a lack of knowledge of the exact sources of this data is not sufficient to avoid sanction for its use.

    The use of the competition's own data by the home team in a manner and with knowledge that was not available to other teams is both unsporting behavior (as you have stated) and unquestionably brings the FAI into disrepute (reference Sporting Code General Section 6.2.2), therefore the penalties given do not reflect the gravity and scale of the offence, and the damage this has done to our sport."

17. On 17 January 2020 around 12:00 pm, the CD and DCD met informally with the TC AUS on the grid to advise that a penalty was likely to be applied.
    17.1. According to the AUS team, the CD and DCD tried to convince the TC AUS to accept a penalty of disqualification and then the Jury could determine the truth in a protest, which he refused.
    17.2. According to the CD they merely mentioned all possible penalties and discussed that there was likely to be at least one appeal afterwards.
    17.3. Further, according to the AUS team the CD and DCD said that they could not investigate the facts in the timeframe given and would apply a points penalty and leave that to the Jury to decide in an appeal.
    17.4. The CD denies that this statement (17.3) has been made.

18. On 17 January 2020 around 12:40 pm, the CD sent via the WhatsApp group chat the following message:
    "We have considered the complaint received and new information this morning and reviewed our decision. We issue a penalty of 250 pts to each Australian team pilot. CD"

19. On 17 January 2020 around 2 pm the CD informed via the WhatsApp group chat that the JP *"advises protest period closes at 14.37 two hours after our response to the complaint"*.

20. Four protests were submitted by TCs for AUS, GER, LUX and GBR. All protests including the protest fee (200 AUS $) were considered as received on time from each TC concerned.

21. Protest from TC AUS
    21.1. The protest requested to remove the penalty arguing that the actions of the AUS team were not unsporting and that the AUS TPs did not gain an unfair benefit.

21.2. Around 5:50 pm, the JP met the TC AUS and AUS TP Lisa TURNER.

21.3. Regarding this meeting the TC AUS holds the view that his attempt to discuss the rules and explain how the data have been obtained had been ignored.

21.4. The JP states on the contrary that she didn't ignore his explanation of rules and how the data have been obtained. According to her the JP listened to the explanations of the TC AUS, covering that the data gathered from G-Track Live were legally obtained, open to everyone. He further explained according to JP that *"in Australia we are not so familiar with the OGN System therefore we preferred to use G-Track Live system. The Europeans are highly experienced in using OGN for tracking the competitors and they always used it in competitions were we participated and sent tracking information etc. to their teams. We were upset about their advantages. Here in Lake Keepit the other Teams use OGN and Private OGN* (but couldn't tell which Teams). *They are able to obtain the same tracking data as we do from G-Track The web site monitor is not password protected, it is open to everyone, so we used it, no illicit actions, everything is legal."*

21.5. The JP expressed to the TC AUS that the developer of the G-Track Live system and SysAd had a different view on this matter. He had explained the situation in writing to the Jury members.

21.6. According to JP, at this meeting with TC AUS she stated that she had attended the meeting organised by some of the TCs held earlier in the day (where neither TC AUS nor CS, CD or DCD were present) which enabled her to see their view of the incident. But no judgement was rendered at the time.

21.7. The JP advised the TC AUS that Australia had broken the 15 minutes requirement in LP section 4.1.1.c "Carriage of GNSS data transmitters for public displays".

21.8. The AUS protest was rejected by 2 votes to 1. The Jury reply mentions that *"Taking the appropriate rules into account, we (Jury) decided to award 25 points penalty each competition day for each Australian pilot."*

21.9. The reply of the Jury to the protest is dated 20 January 2020 and was emailed that same day by the JP to the TC AUS.

21.10. After receiving the reply to his protest, the TC AUS requested the Jury by email on 21 January to re-open or re-consider their decision.

21.10.1. There is no provision in the rules for such a request.

21.10.2. The JP answered on 22 January 2020 by email to the TC AUS that the Jury does not consider it necessary to re-open the case.

22. Protests from TC GER, TC LUX and TC GBR

22.1. Three separate protests were submitted, all with the demand to disqualify all pilots of the AUS team arguing the penalty as insufficient.

22.1.1. TC GBR drafted a protest document and invited the other TCs to copy the document for their respective protest, considering *"shortage of time for none English native speaker"*.

22.2. The protests were rejected by the Jury with 2 votes to 1 as a disqualification of the AUS team was not deemed appropriate by the Jury.

22.2.1. The reply mentions: *"The reply of the protest is to award 25 penalties per each comp. day to each Australian pilot. This makes 225 points in total for 9 days instead of 250 penalties decided by the CD."*

22.2.2. The pilots flew on 10 days but on 6 January 2020 the day was cancelled for safety reasons when about three hours on task heavy smoke on the

final leg prompted the Organisers to prioritise returning home safely. The initial penalty from the CD of 25 points/day was applied per day with competition launch, similar to how a penalty for airspace infringement would be applied, but the Jury reasoned that since the day was cancelled the total number of competition days decreased to 9 and therefore the penalty had to be reduced from 250 to 225 in total.

22.2.3. This above view regarding the number of days to apply a penalty to (22.2.2) is shared by the Sporting Code 3 Annex A Committee of the IGC.

22.2.4. Despite that the protests were rejected the Jury suggested the return of the protest fees with the remark that *"all protests have good grounds"*.

22.3. The Jury replied to each protest individually, dated 19 January 2020. The text of the emails was shared on that same day with via the WhatsApp group chat.

23. Jury treatment of the protests

23.1. The Jury consisted of the JP from Germany who was present at the competition, and two remote Jury members: Max STEVENS (NZL) and Wojciech SCIGALA (POL).

23.2. At around 8:30 pm JP received a phone call from the POL Jury member who communicated that he supports the decision of rewarding 25 penalty points per competition day to each AUS TP.

23.3. The NZL Jury member couldn't be reached within the timeframe available but supported the communication of the decision in writing at a later time.

23.4. The Jury did not invite any of the protesting parties to a meeting in order to represent their respective case in person.

23.5. The decision of the Jury was finalised around 8:30 pm with the prize giving and closing ceremony scheduled for 9 pm. The decision of the Jury presented before the prize giving and closing ceremony in writing to the CD was brief.

23.6. At the prize-giving ceremony, the results were announced with the 225 points penalty applied which impacted the Gold, Silver and Bronze medals in Club Class, including denying an AUS TP the Gold medal, and as one of the consequences awarding a GER TP the Silver medal rather than Bronze. In Standard Class an AUS TP was denied the Bronze medal, which got awarded to a GBR TP, instead.

23.7. None of the protests had received a written reply from the Jury in the time frame required by the rules. The replies of the Jury to the protests have been provided only after the official closing of the WWGC, on 19 January 2020 for the protests from GBR, GER, and LUX and on 20 January 2020 for the protest from AUS.

23.7.1. All Jury members state that not having followed due process is highly regrettable yet that this had no impact on the decision as such. All agree that the situation was clear to them and had been discussed prior to the decision been communicated by the JP.

24. WWGC official tracking system (G-Track Live system)

24.1. The G-Track Live system had been developed with GFA support by Jacques GRAELLS on a voluntary basis. The idea was to get a tracking system for glider competitions in AUS available for free and giving a public display.

24.2. Initially, it was not imagined that the system would be used at the level of a World Championship. G-Track was eventually considered as the WWGC

official tracking system considering the positive feedback and experience after using the system in about thirty AUS gliding competitions.

24.3. The G-Track Live system uses on-board GNSS data receivers to obtain information of each glider equipped, and the GSM mobile telephone 3G and 4G networks for transmission of the data to a server. The data is received and available for display with very little delay, essentially in real time.

24.4. During the WWGC at Lake Keepit the combined 3G/4G network covered essentially the complete competition area (figure provided by mobile network operator Telstra):

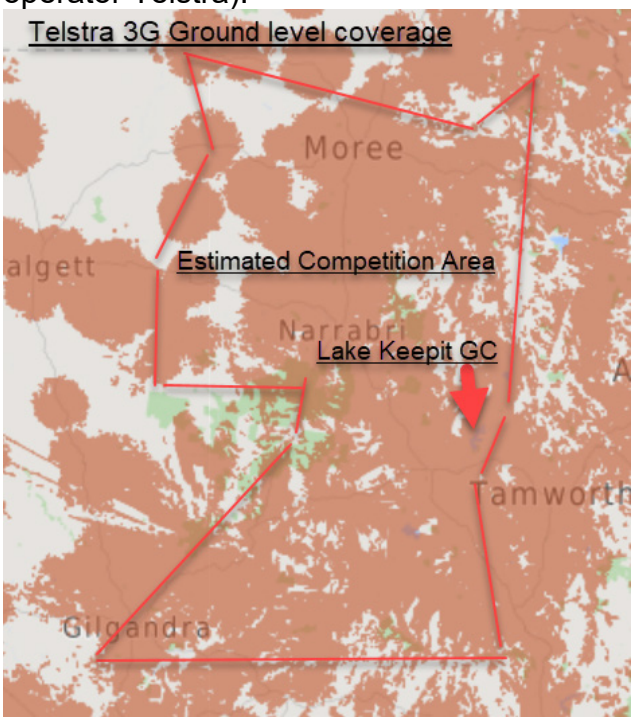


Figure 1

24.5. The carriage of G-Track Live trackers was mandated per LP section 4.1.1 c Carriage of GNSS data transmitters for public displays: "*The organizers will require competing sailplanes to carry GNSS data transmitters to enable the public display of GNSS flight records during competition flights. 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.*"

24.6. For each competition, an administrator is officially nominated to administer and run the system. The SysAd nominated for the WWGC was Jacques GRAELL, developer of the system.

24.7. The G-Track Live system includes two separate user interfaces:

24.7.1. A general interface via the web address "gtracklive.com" for the public display of the data with an open access (no login / password).

24.7.1.1. As required in the WWGC 2019 LP section 4.1.1.c, a 15 minutes time delay had been applied from the first competition day (but not for the practice days before the competition) to all data displayed on this general interface.

24.7.1.2. After selecting from the home web page the specific competition that the individual wants to observe or watch, they are taken to a web page displaying a map, task information (set by the

administrator), glider positions, glider tracks and other data displayed in a smaller ‘details screen’.

24.7.1.3. It was also possible to obtain details relevant to a specific glider by selecting it in the ‘details screen’, or by selecting the glider itself on the map, which then was displaying an overlay of the information relevant to that glider.

24.7.1.4. An option to replay previous days tracking information was also available from the home page.

24.7.2. An administrator interface via the web address “admin.gtracklive.com” with restricted access requiring a login and a password. Data and information available via the administrator interface were real time without the 15 minutes time delay.

24.7.2.1. The password to log on the administrator interface had been changed for the WWGC, also following advise from Matthew GAGE to do so.

24.7.2.2. When logged in, the administrator interface gives access via a menu to the different "admin.gtrack.com" sub web pages.

24.7.2.3. Subject to be logged in, it is also possible to access directly each sub web page by typing the address of the web page, for example “admin.gtracklive.com/events.php”

24.7.2.4. In the case where one is not logged in, a redirection to the login web page takes place in order to enter the admin credentials (username and password).

24.7.2.5. Sub pages included “Events” (allowing configuration of the events and tasks), “Report on/off” (reporting if pilots turned their trackers off during flight), and “Monitor” (used to troubleshoot trackers, providing last received data, i.e. position etc. for each device).

24.8. Following previous development work, during WWGC2019 the admin monitor page “admin.gtracklive.com/monitor.php” unintentionally did not require a username and password to access it as the developer after testing had forgot to reinsert the required program line that controls the password protection.

24.8.1. The developer and system administrator was unaware of this omission which left the position data of gliders unprotected.

24.9. By mistake (a copy and paste error) the same monitor page did also exist for the public page, accessible through “gtracklive.com/monitor.php”, also showing un-delayed glider positions and also not protected by a password.

24.9.1. However, this monitor page on the public page was not advertised or reachable by a hyperlink, but it could be discovered when analysing the source code of the page, which a video circulated after the WWGC demonstrated publicly. The URL is seen mentioned in a source code line that had been commented out.

24.9.2. However, the logs did not show any access to this monitor page on the public site, the access by the AUS team was made through the admin page “admin.gtracklive.com/monitor.php”.

24.9.2.1. AUS TCo stated that his browser suggested the URL “admin.gtracklive.com/monitor.php” when he started typing “gtracklive” at one occasion.

24.9.2.2. Internet browsers have an auto completion feature that makes a list of suggestions while an address is being typed in. This auto-completion feature bases its suggestions on the browser's history.

24.9.2.3. AUS TCo had on previous occasions worked as a G-Track Live system administrator, among others at the AUS Nationals a few weeks earlier, which correlates to his statement that the URL “admin.gtracklive.com/monitor.php” was suggested to him – his browser history likely contained this URL.

25. Private tracking systems

25.1. With the introduction of Flarm many years ago pilots have been able to check on 3D position and climb of competitors in their immediate surroundings.

25.1.1. The amount of information available depends on combined broadcast and receiver range of the Flarm installation in both planes concerned.

25.2. With the later introduction of internet-connected ground-based Flarm receivers connected to the Open Glider Network (OGN), ground crews have been monitoring progress of competitors and passing information to their pilots.

25.2.1. The tactical use of tracking data obtained through OGN at International Gliding Competitions has been considered as within the rules applicable at the time.

25.3. The advantage of a team with “private OGN stations” (i.e. ground-based Flarm receivers not connected to the public OGN) over those without it has been a point of contention and discussion within IGC for some years but considered to be within the rules applicable at the time.

25.3.1. One advantage of a network of private OGN stations is that tracking information is available for areas where public OGN has no or only spotty coverage.

25.3.2. Another advantage arises from the possibility of “rogue OGN stations” that do not honour NoTracking requests (see 26).

25.3.3. There has never been proof of any team having deployed “private OGN stations” in an international gliding competition.

25.4. The IGC have over the years discussed rules to prevent the use of tracking data.

25.4.1. For safety reasons International Gliding Competitions require the use of Flarm in their respective LP.

25.4.1.1. For example WWGC 2019, LP section 4.1.1.c,d Additional Equipment and requirements: “*The installation and use of a proximity warning device (FLARM) is mandatory.*” And “*Non-functioning Flarms may be penalized as a safety breach. First offence a warning, subsequent breaches (n-1) X 25 points*.”

25.4.2. The unintended use of Flarm to get information about competitors has been discussed at meetings of IGC Stewards for several years.

25.4.2.1. In connection with the 2016 IGC Plenary meeting in Luxembourg an “Open Flarm Forum” was held, discussing whether the IGC should control the use of Flarm and how such control would be enforceable.

25.4.2.2. The meeting discussed Flarm’s competition mode (“stealth mode”) and if tasks or rules can be designed to reduce the advantage that surveillance by Flarm gives.

25.4.3. During the 2018 and 2019 IGC Plenary meetings IGC Delegates discussed at length the use of real time tracking by ground crews to aid pilots during their task in connection. Several proposals:

25.4.3.1. "IGC rules (incl. penalties) for proper visibility of all gliders of the Championship" (GER) advocating for mandatory visibility of all gliders on OGN. Approved as Year 1 proposal 8.2.10 in 2018 and withdrawn as Year 2 proposal 8.1.7 by Germany in 2019.

25.4.3.2. "Re-establish the basic purpose of FLARM and define different and/or additional trackers for OGN tracking" (GER) advocating for separating the function of proximity awareness (Flarm) from live tracking (dedicated IGC Trackers to be developed). Approved as Year 1 proposal 8.2.11 in 2018 and approved as Year 2 proposal 8.1.8 in 2019.

25.4.3.3. "External aid to competitors as part of the rules" (GER) advocating for expressly allowing external aid by the ground crew. Approved as Year 1 proposal 8.2.12 in 2018 and disapproved as Year 2 proposal 8.1.9 in 2019.

25.4.3.4. "Delayed Time Tracking" (GBR) advocating for "*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.*" Approved as Other proposal 8.3.3 in 2019 and applicable immediately.

25.4.3.5. "External Aid to competitors" (GBR) advocating for the competition to be directly between the individual competitors, neither controlled nor helped by external aid, to consider the following as cheating: the use of mobile devices and competing pilots using data not being available in public domain. Approved as Year 1 proposal 8.2.2.3.b in 2019.

25.4.3.6. "External Aid to competitors" (BEL) advocating for adequate measures to be taken to ensure enforcement of rules against external aid. Introduced as Year 1 proposal 8.2.2.3.a in 2019 but withdrawn after discussion and approval of 8.2.2.3.b (see above).

25.4.4. At the time of the WWGC 2019 in January 2020, there were no rules in effect prohibiting the use of legally obtained real time tracking data by pilots.

26. Open Glider Network (OGN)

26.1. During the WWGC at Lake Keepit the public information from OGN was accessible for everyone via different web sites, including "*live.glidernet.org*" and "*gliderradar.com*".

26.2. OGN ground receiver respects the Flarm No-tracking flag, which is an option a pilot can enable in their respective unit in order to not get tracked by OGN.

26.2.1. Data packets are dropped by an OGN ground station as soon as the No-tracking flag detected in a message, received from a Flarm device where No-Tracking has been enabled.

26.2.2. The data is then not relayed to the OGN server infrastructure, which means the concerned glider cannot be viewed on OGN-connected websites such as mentioned above.

26.2.3. WWGC2019 competitors with enabled no-tracking flag were not visible on public OGN.

26.3. In addition to enabling the no-tracking flag a pilot has other options:

26.3.1. Use of the Random Mode for their Flarm ID

26.3.1.1. This makes a correlation of Flarm ID and competitor more difficult for anyone being interested in such surveillance.

26.3.2. Enabling the "I do not want to be tracked" option in the OGN database

26.3.2.1. Doing that, the glider is not displayed on the official OGN tracker but the data is still available and relayed to any other website asking for it.

26.3.2.2. The intended use is primarily for Search & Rescue.

26.3.2.3. However, it is possible that other websites do not respect this option and still display the glider in question.

26.4. At Lake Keepit the OGN did not cover all the competition area (figure provided by OGN):

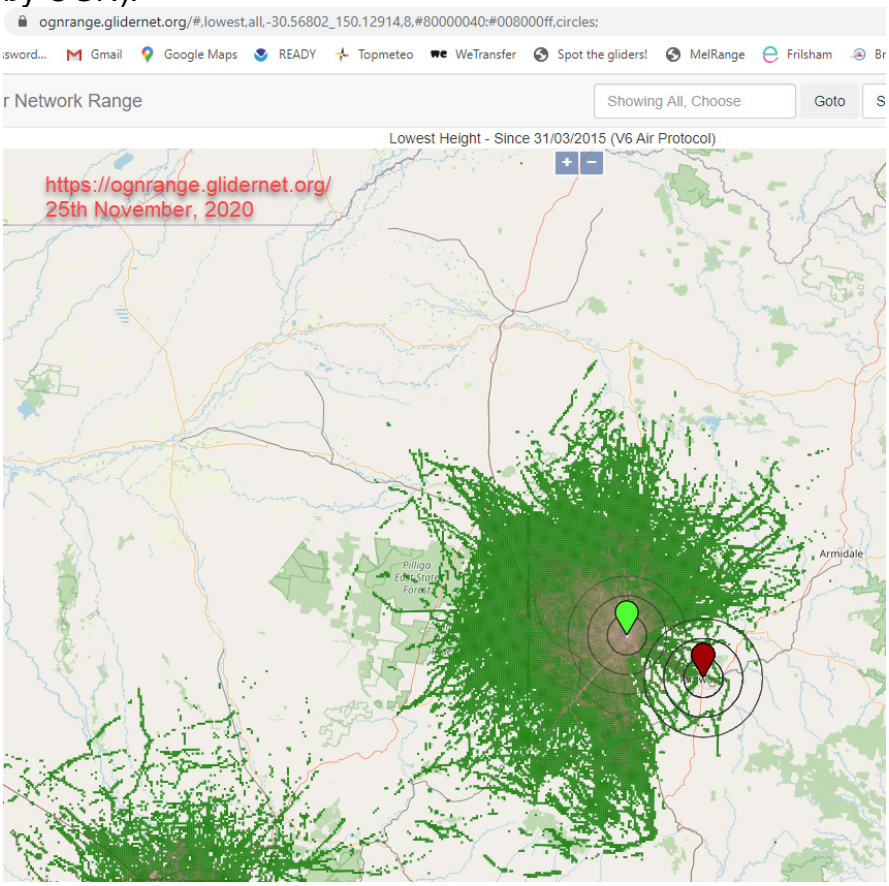


Figure 2

26.4.1. OGN data “faded” for some gliders very quickly as they moved away from Lake Keepit depending of the quality of their FLARM installation (red: flight traces from all IGC files recorded during the WWGC, green hues: overlayed data from OGN, provided by Melissa Jenkin)

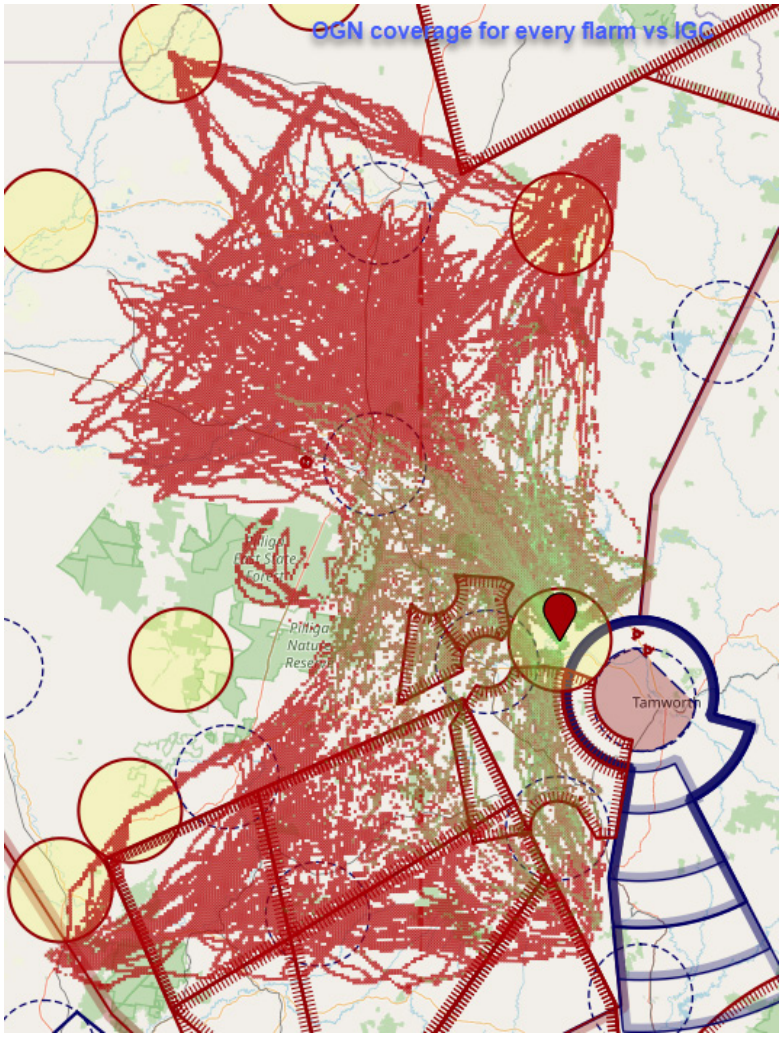


Figure 3

26.5. An individual or a group may create their own “private OGN” (the term itself being an oxymoron but widely used) with ground receivers and server infrastructure.

26.5.1. It is technically possible that such private systems are “rogue” and do not honour Flarm’s No tracking flag.

26.5.1.1. In that case, a private OGN network would provide live tracking data for all gliders equipped with a Flarm device within range of the receiver(s), i.e. even for pilots who have specifically requested not to be tracked.

26.5.2. At the time of the WWGC, use of such a private and possibly rogue system was not forbidden in the IGC Sporting Code rules.

26.5.3. Countering rogue OGN stations by technical means:

26.5.3.1. IGC has considered it necessary to develop its own tracking system, independent from Flarm, to avoid pilots switching off Flarm just to not been tracked by competitors (which would mean they also switch off the collision risk awareness functionality that is the original purpose of Flarm).

26.5.3.2. In addition, Flarm has been requested to modify their system such that the Flarm ID is shifting during the flight.

26.5.3.3. Shifting ID can be countered in turn by stitching flight traces that obviously are part of a set and comparing to manual observations.

27. Matthew GAGE, AUS TCo, had developed a system to monitor the location and progress of competing gliders together with continuously updated weather information and terrain, airspace etc. for the AUS ground crew.

    27.1. The system allowed the viewing of all three classes on a single map.

    27.2. Data was pulled from various sources like Google Earth, various weather sites, Lake Keepit OGN, FlightRadar24, and the G-Track Live system.

    27.3. Similar systems have reportedly been used by other National teams during previous international gliding competitions. If legally obtained the combination of such data and use to aid pilots during competition had at the time not been prohibited.

    27.4. The system was used to provide tactical information to the AUS TPs by radio in real time throughout the competition.

    27.5. During practice days G-Track Live provided undelayed position data publicly. The 15 minute delay for public viewing was first applied on the first competition day.

    27.6. The AUS TPs knew at some time during the competition that G-Track Live data was one of the sources of information used by ground crew to build a current picture of the competition and advise/direct the pilots.

        27.6.1. According to one witness this matter was raised in one of the first AUS team briefings in the beginning of the WWGC. G-Track Live as a data source was explicitly mentioned.

        27.6.2. AUS TPs had been advised by AUS TC and AUS TCo that there were no rules breached by the access and use of the G-Track Live data because it was “publically available” and in any case supposedly just gives the same advantage as a private OGN.

        27.6.3. Later, some pilots (“two at least, or three” according to a subsequent investigation) asked at a team meeting for confirmation of this.

            27.6.3.1. AUS TC confirmed and according to his own statement: “in the discussion I wasn't really all that enthusiastic about having long winded discussions about one bit of data versus another data. We just reinforced that it's within the rules”.

        27.6.4. According to a subsequently conducted investigation conducted by Damien GATES on behalf of the GFA “in at least two cases a pilot felt they would be chastised or sanctioned if they raised or elevated the issue any further”.

            27.6.4.1. AUS TC was asked during the oral hearing for the AUS appeal if there would have been grounds for such fear, perhaps because a pilot had been grounded previously due to not following Team Captain orders. He denied with the words “*I'm surprised that they felt they would be chastised. I don't know if they meant chastised by me or chastised by other pilots or what it means. That's not quite my style, but people feel different things differently.*”

            27.6.4.2. During the WGC 2018 at Hosin, CZE, the AUS TP Scott PERCIVAL was suspended from the AUS team for two days, quote: “for not following team orders” and thus grounded. He later got reinstated into the AUS team and was allowed to compete again. AUS TC was also Terry CUBLEY. The specific details of this incident are not within the scope of this IAT but the incident as such is known among AUS pilots.

28. Both TC LUX and TC JPN asked to be allowed operate on the AUS radio channel, which TC AUS approved
    - 28.1. Both LUX TP and JPN TP are based in Australia, thus there is an established personal relationship.
    - 28.2. TC LUX states that the reason for asking to operate on the AUS frequency was safety
    - 28.3. TC AUS states to the IAT that both team LUX and team JPN "*team had access to the same information that we were transmitting to our pilots*" and therefore "*they were also involved*".
        - 28.3.1. TC LUX denies that they were provided with access to the system of team AUS (see 27) or even having been shown how the system looked like.
        - 28.3.2. TC LUX is also confident in that team JPN was not given access, either.
    - 28.4. During the second contest week TC LUX asked one AUS crew member about the source of their detailed data and was told it was all legal and publicly available.
    - 28.5. TC LUX witnessed the continuous coaching of AUS TPs with detailed information, also for areas where OGN coverage was zero (see 26.4 and 26.4.1).
        - 28.5.1. Most information was given relative to the known position of AUS pilots, thus being of less use for anyone else monitoring the AUS radio channel.
        - 28.5.2. Example of a radio message to an AUS TP: "*About 8 km to your west the Germans are climbing with 7-8 kts.*"
        - 28.5.3. Stated by AUS TP Lisa TURNER: "*They had a ruler and they could measure the distances between gliders and where the other gliders were, and they could vector Australian pilots to a climb and they got more accurate climb data*".

APPENDIX B

AUS response: letter

Received by IAT on 18 July 2021 at ca. 03:37 UTC

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Dear Mr Filla

Appeal by the Australian NAC in respect to the 10th FAI WWGC

Thank you for your email of 12 July with the IAT's final draft of the Summary of Facts.

We attach the Australian NAC response. For ease of reference, we have made comments directly in the SoF document by highlighting the relevant sections in yellow, followed by comment boxes instead of using columns and track changes. We believe our comments are all relevant and factual and we ask the IAT to consider them carefully. See attachment.

Secondly, we would like to draw some fundamental issues to your attention in this letter. They are offered in order to assist the IAT to consider the core issues of what the Australian appeal is about. Again, we trust you will accept them in the spirit in which they are offered, namely to help target the core issues at hand.

OGN

There are some basic facts which seem to have been either lost or confused in the mass of information provided by all teams and witnesses. These include the following concerning OGN in general.

1 OGN and live tracking was allowed under the rules of the contest.

2 There were two known forms of live tracking in use at Lake Keepit. One was the organiser's G Track Live and the second was the OGN installed by the Lake Keepit Gliding Club. (Many gliding clubs around Australia and the world have installed OGNs). In addition, it must be assumed that other countries had their own OGNs in use during the competition as it was allowed under the rules and gave an advantage.

3 The Lake Keepit Club OGN was available to all teams at all times and was live (undelayed).

4 Various OGNs may use different technology but they all read and report on the FLARM information sent from each competing glider.

5 All OGNs collect the same live data of position, height and rate of climb as did the G Track and Lake Keepit Club systems.

6 G Track could obtain its data from a greater distance than the Lake Keepit Club OGN as it used the cellular telephone 3G system; however, the ability to then transmit information to competing pilots was limited by radio range which did not cover the whole task area. It was also limited by "Black (no service) spots" – see map showing this in the SoF comments.

7 The radio range was broadly equivalent to the Club's OGN range, 90 Kms at best (dependent on heights of gliders and limited more so to the north where terrain was a greater obstruction to radio coverage).

8 The only benefit to the Australian display system in having access to G Track Live was as a backup in case the other system failed, which it didn't. When using the Australian visualization display during racing, the Australian coaches did not know whether the information displayed was coming from G Track or from OGN.

9 The unique features of the Australian visualization display were that it allowed all information (and classes) to be shown on a single screen and for the coaches to measure distances between gliders. This was all allowed under the rules.

It is important to understand this "ruler feature" was new and unique, it allowed the coaches to measure distances and this information took other competitors by surprise. We assume that they thought Australia had extracted the G Track data in a particular way to achieve the ruler. Australia had not. The data was sourced

through a public source, and the ruler was also achieved using only OGN data outputs.

What Australia had invented was a new method of displaying the publicly available data to its benefit. It was not intended to be for commercial use. For this reason, it didn't have a user manual as a commercial product would have. The way the data was sourced and interpreted was all within the rules.

Further, much of the software that was written for the ruler tool had its origins in the Proximity Analysis Tool that the FAI acknowledged by awarding John Wharington and Matt Gage the Paul Tissandier Diploma for those who have served the cause of Aviation in general and Sporting Aviation. In particular, the software to read the tracking web page is fully based on this. This software has been used this year in multiple events in Europe.

10 Lest there be any doubt that teams had been using OGN in other world championships please view this video which is publicly available on Youtube showing a German pilot in the 2018 Junior Worlds requesting OGN information as to whether a competitor had started. https://www.youtube.com/watch?v=q4p6UoA5gzg (see at approximately 7 minutes in). Live OGN is in use at the 2021 Junior Worlds currently being held.

Statements from other parties.

The SoF contains information which has not been submitted by the Australian NAC nor contained in the Australian Appeal document. Therefore, it is presumed that this information has come to you from other persons. In many instances we believe that the information currently in the SoF is either incorrect or is taken out of context. Australia has not been provided with statements or any evidence supporting that information.

In order to ensure procedural fairness to the Australian Appeal, we request these statements and related evidence be provided to Australia to review and comment upon. Without this, it is unfair to the Australian Appeal to include these matters in the SoF.

We will deal with this promptly – within 14 days of receipt – and given that over 15 months has now elapsed since our appeal was lodged, we trust you agree that this is not an unreasonable request. The UK and German teams were provided with another month to lodge their appeals to ensure procedural fairness and we request you allow this to the Australian NAC.

By way of example, we have contacted Max Stevens and, with his permission, we attach the email trail that he sent regarding his communications with the other jury members. This information shows that several issues included in the SoF are incorrect. We would like to see the statements and/or transcripts provided to you by individuals such as the CD, the JP, SysAd, TC Lux, AUS TP Scott Percival. If there are others which you feel it appropriate to show us to ensure procedural fairness then we would welcome that.

The Local Rule concerning the obligation to delay information.

We would like you to note that:

1 The IGC addressed this issue in its meeting in March 2019. The rule adopted was:

"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."*

2 Quite clearly this rule is made for the organisers and not for competitors. Only the organisers can carry this out and competitors cannot. It is impossible that it could be imposed on a competitor. Further, given there was a publicly available source of live tracking data for use by competing teams (Lake Keepit OGN), it is also illogical this local rule would apply to competitors.

Consideration of the appeal process

We offer this solely to clarify what we believe are the fundamental issues.

1 Was there a breach of the rules imposed upon the Australian Team? If no then allow the Australian appeal.

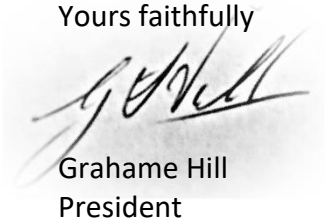
2 If yes, then was there any unfair advantage gained by the Australian pilots outside of the rules as a result of that/those breach(es)? If no then allow the Australian appeal.

Our submission to you

We submit that there was no breach of the rules by any member of the Australian team and that the Australian appeal should be allowed. The actions to use live tracking data is a widely adopted practice that has a long history of use in Cat 1 events, without penalty. However, if the IAT decides to the contrary, then we submit that the Australian pilots and its team did not receive any unfair benefit from its actions and therefore no points penalty should apply.

We trust that this letter will be taken in good faith and that we will be provided with the statements and names as requested. We look forward to the IAT's further deliberations.

Yours faithfully



Grahame Hill
President
18th July, 2021

Attachment – email from Max Stevens – NZL

On Wed, 14 Jul 2021 at 14:03, Max Stevens <max.stevens@scorch.co.nz> wrote:

I've just spent a few hours going back through my emails – there was certainly a lot of traffic between Jury members at the time!!

The JP emailed your protest document to the other jury members on Fri 17-Jan-20 4:43 PM (attached for clarity as to which doc I'm talking about), asking for my advice. As it happened, I was flying my Ventus at Omarama at the time, not landing until just before 7 PM, so I didn't manage to reply until 8:10 PM.

That 8:10 PM reply to the JP and the other remote juror was as follows:

"I think the Australian Team Captain is quite correct. The inevitable result is that there can be no sanctions at all this time. This should serve as a wake-up call for the IGC to properly consider the matter of live tracking and tactical use by competitors and, if agreed by IGC delegates, change the rules via the normal plenary process."

My understanding is that the closing ceremony took place later that evening, only about an hour or so after my reply.

The first mention of the final penalty (25 points for each of the nine competition days for each Australian pilot) that I can find is in an email from the JP on the following day, Sat 18-Jan-20 11:43 PM. This was after a 6-hour drive to Sydney. Clearly, the JP was in a very difficult position timewise.

The POL jury member responded Sun 19-Jan-20 6:57 AM, giving "full support for the decision", remarking that "It is of course uneasy, controversial and precendential – but that's what Jury is constituted for."

I responded later that morning, Sun 19-Jan-20 9:06 AM, attaching some information from the 2019 Plenary in Turkey that "could be taken into account." In summary, I said:

"These proposals from Germany and GB show that IGC has been struggling with the problems associated with live tracking, but no actual solution has been arrived at yet. What happened at the WWGC was most unfortunate, but I am not sure that it was appropriate to penalise the pilots. I think it would have been better to have demanded a public apology from the Australian TC and to have removed the Australian team from the Team Cup results. This would have sent a strong message to IGC to resolve the issue for future championships as soon as possible."

On Mon 20-Jan-20 2:01 PM, the JP provided to the other jurors a draft reply to the protest lodged by the TC AUS against the penalty applied. In the subsequent discussion amongst jury members, I said:

“I think the Australian TC’s protest document contains many technically correct points that cannot be dismissed so easily by us as the Jury; particularly the definition of “unsporting behaviour” in a rules context, the alleged actions of other teams with respect to live tracking, and precedents from previous Class 1 events.

I do not seek to change the majority verdict of the Jury, but would like my dissenting view to be recorded as in the amended version attached.”

On Mon 20-Jan-20 10:50 PM, the JP thanked jury members for their assistance and support, saying that the corrected reply would be sent to the TC and CD as well as to the IGC Bureau.

I hope this clarifies my involvement at the time.

Regards
Max

[Please note that times quoted are NZ Summer time. 2 hours earlier than Lake Keepit. So 8:10pm NZ is 6:10 pm at Lake Keepit]

APPENDIX B2

AUS response to Summary of Facts version 1.0

Received by IAT on 18 July 2021 at ca. 03:37 UTC

SUMMARY OF THE FACTS
AUS & GBR/GER APPEALS
10th FAI WOMEN WORLD GLIDING CHAMPIONSHIPS

Note: All times if not marked otherwise are given in Australian Eastern Daylight Time, AEDT ("Sydney summer time").

0. Nomenclature
   - 0.1. Officials and other named actors at the WWGC, relevant to the matter
     - 0.1.1. Mandy TEMPLE: Championship Director (further on abbreviated as "CD")
     - 0.1.2. Anita TAYLOR: Deputy Championship Director ("DCD")
     - 0.1.3. Frouwke KUIJPERS: Chief Steward ("CS")
     - 0.1.4. Gisela WEINREICH: Jury President ("JP")
     - 0.1.5. Peter TEMPLE: Assistant Scorer ("ASco")
     - 0.1.6. Terry CUBLEY: Australian Team Captain ("AUS TC" or "TC AUS")
     - 0.1.7. Matthew GAGE: developer of data harvesting and visualization software as well as one of the Australian Team Coaches (here further abbreviated only as "AUS TCo" or "TCo AUS", but it is understood that AUS had more than one Team Coach)

> Correction: The software should be referred to as the 'Australian visualization software'. The term harvesting is misleading because it implies the intent of the software was to harvest data. It was not, the intent was to display together published information from a variety of publicly available sources.

     - 0.1.8. Lisa TURNER: Australian team pilot ("AUS TP" or "TP AUS") in 18m class
     - 0.1.9. Jacques GRAELLS: Developer of G-Track Live and system administrator ("SysAd") during the WWGC
   - 0.2. Additional abbreviations
     - 0.2.1. FAI: Fédération Aéronautique Internationale / World Air Sports Federation
     - 0.2.2. WWGC: FAI Women's World Gliding Championships, in this document WWGC will refer specifically to the 10th FAI WWGC at Lake Keepit, AUS
     - 0.2.3. IAT: FAI International Appeal Tribunal
     - 0.2.4. CASI: FAI General Airsport Commission
     - 0.2.5. IGC: FAI International Gliding Commission
     - 0.2.6. NAC: National Airsport Control
     - 0.2.7. GFA: Gliding Federation of Australia
     - 0.2.8. AUS: Australia
     - 0.2.9. GER: Germany
     - 0.2.10. ITA: Italy
     - 0.2.11. LUX: Luxembourg
     - 0.2.12. GBR: United Kingdom of Great Britain and Northern Ireland
     - 0.2.13. USA: United States of America
     - 0.2.14. NZL: New Zealand

0.2.15. POL: Poland
0.2.16. CZE: Czech Republic
0.2.17. BEL: Belgium
0.2.18. JPN: Japan
0.2.19. TC(s): Team Captain(s)
0.2.20. TP(s): Team Pilot(s)
0.2.21. LP: Local Procedures
0.2.22. OGN: Open Glider Network (see: https://www.glidernet.org/)
0.2.23. EUR: Euro (€)
0.2.24. CHF: Swiss Franc

1. The FAI received two appeals concerning decisions taken at the 10th FAI Women's World Gliding Championships held in Lake Keepit, Australia (3 to 17 January 2020):
   1.1. Appeal submitted on 8 April 2020 by the Air Sport Australia Confederation (ASAC) as NAC AUS, on behalf the Australian TPs.
   1.2. Joined appeal submitted by The Royal Aero Club as NAC GBR (on 14 April 2020) and by Deutscher Aero Club e.V. as NAC GER (on 15 April 2020).

2. The appeals concern decisions announced on 17 January 2020 by the International Jury to award a penalty of 225 points to each AUS TP.

Omission: The facts regarding the competition organisation and jury decisions and rules relevant to the appeals should be specified up front.

Suggest adding the following:

The decisions taken by the competition organisation were:

"The Decision The use of the data gained illicitly is considered by us to be unsporting behaviour. We believe the pilots were not aware of the illicit nature of the data and so will not be sanctioning the Australian Pilots. The actions available to us is to require the Australian Team Captain to make a public apology to the Organisation, the Team Captains and the IGC. Further to refer the matter to the IGC and GFA. As discussed you have until 2 pm to appeal/protest this decision."

And

"We have considered the complaint received and new information this morning and reviewed our decision. We issue a penalty of 250 pts to each Australian team pilot. CD"

The decisions taken by the International Jury were:
-Rejection of AUS protest against the penalty of 250 points by 2 votes to 1 on the basis of the following rules –
FAI Sporting Code General 6.2.2
Annex A 8.6.5
Annex A 5.4.2
-Rejection of protest by GBR/GER that the 250 points penalty was insufficient and that the team should be disqualified by 2 votes to 1 on the basis of it not being deemed appropriate.

2.1. The prescribed time limit is 90 days to receive appeals at FAI, resulting in a dead line for the present case on 16 April 2020.

2.2. Upon request by GBR the CASI Bureau extended the dead line by 30 days.

2.3. FAI received an appeal fee payment of 3 000 EUR on 7 April 2020 from AUS.

2.4. FAI received an appeal fee payment of 3 000 CHF on 17 April 2020 from GER, and on 24 April 2020 from GBR.

2.5. The two appeals (i.e. one from AUS and one joint appeal from GER and GBR) have been considered by FAI submitted within the prescribed time-limit.

Correction: 2.1 to 2.5 should be a separate point to 2 as they do not relate to the decisions being appealed against.

3. Both appeals are based on the same facts, therefore CASI has appointed (18 June 2020 CASI President email) an International Appeal Tribunal (IAT) consisting of:
   - Reno FILLA (Sweden): Chairperson
   - Bruno DELOR (France): Member
   - Alexander GEORGAS (Greece): Member

4. Important dates of the competition:
   - Unofficial Training: 28th to 30th December 2019
   - First Official TC Briefing: 30th December 2019 at 7pm
   - Official Training: 31st December 2019 to 2nd January 2020
   - Mandatory Safety Briefing: 31st December 2019 at 9.30am
   - Opening Ceremony: 3rd January 2020 at 10am
   - Contest Flying: 4th to 17th January 2020
   - Farewell Party: originally scheduled for 17th January 2020 evening
   - Closing Ceremony and Prize-Giving: originally scheduled for 18th January 2020 at 10am

5. On 30 December 2019 the first Team Captains' Meeting was held at 7 pm.

5.1. TC LUX asked on item #4 of the Agenda ('OGN - will be on') why access to live tracking will not be possible during the competition as soon as OGN will be on.

5.2. The request was been supported by TC ITA and TC USA.

Factually incorrect: There is no record of meeting minutes and the recollection stated here is disputable. It is questionable as to whether the request was made for access. The AUS TC recollection is that the request was made for the continued display of un-delayed tracking.

Discussion about continuation of the organisation's display of un-delayed tracking during the competition is not relevant to the appeal.

Suggest that this be removed.

5.3. The CD explained that it had taken many months to get the LP approved and that the IGC promoted the philosophy of a 15 min delay.

5.4. The CD concluded the discussion pointing that rules must be followed as they are written, and therefore she cannot give access to un-delayed live tracking.

Omission: This clause on its own implies the 15 minute delay specified in LP 4.1.1.c is relevant to the access and use of live tracking data by pilots when in fact the LP rules to be followed applied to the competition organisation's display of flight records. Also, "At the time of the WWGC 2019 in January 2020, there were no rules in effect prohibiting the use of legally obtained real time tracking data by pilots." – see 25.4.4. in this document.

Omission: The paraphrasing of the rule by the CD distorts the meaning of the rule 4.1.1.c by suggesting that it relates to access and use by participating teams rather than display by the organisation.

To provide context to this clause, suggest that: the rule which refers to the 15minute delay to the organisation's display should be included in full.

"4.1.1.c Carriage of GNSS data transmitters for public displays

The organizers will require competing sailplanes to carry GNSS data transmitters to enable the public display of GNSS flight records during competition flights. 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."

6. A daily briefing for TPs, TCs, crew, volunteers and officials was held on every official practice day (31 December 2019 to 2 January 2020).

6.1. At the briefing held on 2 January at 10 am, TC ITA asked again if it was possible to get access the un-delayed live tracking during the competition.

Factually incorrect and not relevant: As for point 5.1, there is no record of what was said and the recollection stated here is disputed. The Australian NAC questions that the request was made for access. The AUS TC recollection is that the request was made for the continued display of un-delayed tracking.

Discussion about continuation of the organisation's display of un-delayed tracking during the competition is not relevant to the appeal.

suggest that this be removed.

6.2. The CD confirmed that the 15 minutes delay must be applied according to the approved LP.

Omission: The paraphrasing of the rule by the CD distorts the meaning of the rule 4.1.1.c by suggesting that it relates to access and use by participating teams rather than display by the organisation. **To provide context this statement, suggest that:** rule 4.1.1.c which refers to the 15 minute delay for the organisation's display should be included in full.

6.3. All TPs AUS, TC AUS Terry CUBLEY and TCo AUS Matthew GAGE attended this briefing.

7. Throughout the competition the question of the AUS team having an unknown source of detailed live data was raised several times.

7.1. Already in the beginning of the WWGC G-Track Live SysAd asked AUS TCo about the source of their detailed information and received the reply that this cannot be shared at the time but will be explained at the end of the competition.

7.1.1. TC AUS states that also he had been approached with the same question by SysAd and responded the same way as TCo AUS.

7.2. During the second contest week TC LUX asked one AUS crew member about the source of their detailed data and was told it was all legal and publicly available (see 28).

7.3. Ground team GBR monitored the AUS radio channel throughout the whole event and was unable to comprehend the source of the detailed information.

7.3.1. In a related discussion between TC GBR and G-Track Live SysAd the latter was at the time firmly convinced that the source of the AUS information couldn't be G-Track Live.

7.3.2. Some days before the end of the competition TC GBR raised this issue of an unknown AUS source of live tracking data with CS which did not respond verbally to TC GBR but had an internal discussion with CD and DCD about it.

7.3.3. At the time CS, CD and DCD reasoned that team AUS got the information via private antennas in the competition area.

7.3.4. Having received no official response TC GBR pursued the matter no further at that time.

Not relevant: "At the time of the WWGC 2019 in January 2020, there were no rules in effect prohibiting the use of legally obtained real time tracking data by pilots." – see 25.4.4. in this document. The use of real time tracking data from G-Track Live or any other source could be used by participating teams. So discussion about observing the use of live tracking data is not relevant.

The points made in section 7 have no bearing on the appeal and has the effect of unfairly casting doubt on the AUS team intentions. Speculation and hearsay that occurred about the source of the real time tracking data used by the AUS team is not relevant because the access and use of the data was in accordance with the rules.
Suggest that point 7 be removed.

8. On 15 January 2020: CS asked TC AUS about the source of their information.

Factually incorrect: TC AUS has no recollection of this discussion. The first discussion on this topic was on the evening of the 16 January. When formally asked about the data TC AUS advised that we were using G-Track Live.
Suggest that this be removed.

8.1. TC AUS responded that they got it from the internet and that it was publicly available, but was otherwise vague about it.

Factually incorrect: This statement insinuates that the TC AUS was being underhanded.
Suggest that the statement "but was otherwise vague about it" **be removed.**

8.2. At that time TC AUS did not yet advise that TCo AUS had achieved access to G-Track Live (see 11.3).

Not relevant: The TC AUS was not asked if AUS had access to G-Track Live, but it was revealed when the TC AUS was formally asked the next day. Australia's data source was in accordance with the rules – the use of live tracking data was not prohibited. Refer to 25.4.4. in this document. This statement insinuates that the TC AUS was being underhanded and is therefore misleading.
Suggest that this be removed.

9. On 16 January 2020 around 1 pm the CD asked the JP if the Jury would agree to advance the prize giving / closing ceremony that was initially scheduled for 18 January at 10 am.
    9.1. The reason was the weather forecast with a prediction of storms and rain for the next two days which would not allow competition flights.
    9.2. Following the briefing in the morning of 16 January that day had been cancelled as a competition day.
    9.3. The JP agreed to the proposal.
    9.4. The JP mentioned that the results can only be official after expiry of the protest time and after eventual protests have been dealt with.
    9.5. Therefore, it was agreed that the prize giving / closing ceremony will be moved forward to 17 January 2020 after the farewell party.

10. One of the communication channels between the Organiser and all TCs was a group chat in WhatsApp (named below "WhatsApp group chat")
    10.1. On 16 January 2020 around 3 pm the CD informed all TCs through that channel that *"Plan B is to hold the ceremony Friday evening"*.
    10.2. This was confirmed via the WhatsApp group chat on 17 January 2020 around 1 pm.

11. On 16 January 2020:
    11.1. Around 2 pm, the CD got information that someone had access to the official tracking data and had used it.
        11.1.1. This was considered an unauthorised access.
        11.1.2. This was after the WWGC SysAd of the G-Track Live system Jacques GRAELLS became aware that someone had accessed the un-delayed position data.
    11.2. Around 3 pm, the CD sent the following message via the WhatsApp group chat: *"We have just become aware that someone has accessed live tracking data from the official tracking system - during the tasks. If we discover that it was a competition team we will consider it unsporting behaviour per Section 6 of FAI Sporting Code General Section. We will continue our investigations and advise once we have identified those involved. CD".*
        11.2.1. The JP did not see this WhatsApp group message until after the meeting mentioned in 11.4 and was therefore not aware of the problem. According to the JP at that time she was in the Club House in conversation with the meteorologist and afterwards helped with the preparation for the common barbecue evening, which was threatened to be cancelled because of storm and rain, but was still planned indoors. She believes that she left her mobile phone in her room during that time.
    11.3. Around 7 pm, the TC AUS met the CD, the DCD and the CS.

11.3.1. After being asked how the AUS team got the information provided by radio in flight to the pilots, the TC AUS advised that the TCo AUS Matthew GAGE had access to the G-Track Live data, explaining he *"had found the live data freely available, without password protection, on the competition tracking web site and as there were no rules against using such freely available data, the Australian Coach decided to use it"* (See page 8 of the Australian Notice of Appeal).

11.3.2. At that time the TC AUS only advised that the access had been achieved but did not explain how.

Factually incorrect: The statement *"had found the live data freely available, without password protection, on the competition tracking web site"* explains how the data was accessed.

Not relevant: The use of live tracking data was permitted so this is not relevant. Refer to 25.4.4. in this document. In addition, this statement insinuates that the TC AUS was being underhanded which is misleading.

Suggest that this be removed.

11.3.3. TC AUS did not mention that their software was able to visualise the location of all competing gliders in a map together with other data of interest, like competitors' climb rates, weather observations and predictions.

Factually incorrect: According to the AUS TC "When questioned by the CD, DCD and steward, I explained that we had accessed the G-Track Live data and displayed this with weather and other information.".

Not relevant: The use of the visualisation system and the published data used by it was not against the rules, so this is not relevant. Refer to 25.4.4. in this document. Also, this statement insinuates that the TC AUS was being underhanded. In addition, all live tracking sites provide this level of detail, it is not specific to the Australian display, so why would this be mentioned? See OGN, Flightradar24 etc which provide this information on location and climb rates etc.

Suggest that this be removed.

11.4. At 9:30 pm, the DCD and the CS asked to see the JP to report alleged unauthorised access of the official competition tracking system.

11.4.1. They explained to the JP that the TC AUS advised that their team had somehow accessed a web page of the G-Track Live system and used the un-delayed data gathered from this page.

12. On 17 January 2020 around 7:30 am, the CD advised via the WhatsApp group chat that a Team Captains' Meeting will take place at 9 am in the WWGC office.

13. TCs' Meeting on 17 January 2020 at 9 am

13.1. Just prior to this meeting the CD and the TC AUS met briefly and the CD informed the TC AUS that he would be given an opportunity to explain the situation.

13.2. Present at the TCs' meeting were all TCs, the CD, DCD, CS and JP.

13.2.1. The DCD stated that Australia had gained unauthorised access to and used the live tracking data.

Factually incorrect: The DCD stated that the AUS team had illicitly gained access, and the CD said that hacking had been reported.
Suggest that: 'gained unauthorised access' be replaced with *'gained illicit access'* as this was the basis of the decision of the penalty being applied.

13.2.2. The CD explained that the organisation had been advised that someone had also accessed the data from Estonia.

13.2.3. The TC AUS was then asked to explain what they had done.

13.2.4. He addressed (but not formally apologised to) the other TCs and stated that he was sorry that there was a misunderstanding about the AUS team's actions but expressed that Australia had not hacked or accessed the data illicitly.

Omission: **Suggest that:** the words *"[as had been 'alleged' by the competition organisation]"* should be added to the end of this sentence in 13.2.4 so it is clear that the suggestion of hacking or illicit access to data came from the organisation and not the TC AUS.

13.2.5. Reportedly TC AUS stated either *"We believe that we have done nothing wrong"* or *"I am sorry that you thought we had done the wrong thing but we had not broken any rules or laws in accessing the information*".

Omission: The AUS TC was asked to make an apology at the TCs meeting as part of the initial penalty.
Suggest that the above statement be added.

13.2.6. The meeting had to be cut short by the need for all present to attend the day's competition briefing.

13.3. The CD states that the only time the word *"illicit"* was used in official communication was in a single WhatsApp message right after this meeting (See message in item 14 below). Afterwards it was agreed to use the term *"unauthorised".*

Omission: The official communication in which the term 'illicit' was used, was to convey the reason for the penalty. It is a significant omission not to mention this in this statement.

Factually incorrect: The published penalty using the word 'illicit' was also posted on the notice board. The statement above implies that the word 'illicit' was infrequently used, whereas it was used frequently, for example it was copied in the complaint from the TCs and used informally throughout discussions. In addition, the second harsher penalty was based on the message that included the word 'illicit'.

Suggest that the following be added:
The CD states that "the only time the word *"illicit"* was used in official communication was in a single WhatsApp message right after this meeting (See message in item 14 below). Afterwards it was agreed to use the term *"unauthorised"".* The term 'illicit' was also used in the official announcement of the penalty which was then carried forward to the complaint by the team captains and to the second penalty.

14. After the TCs' Meeting finished, the DCD sent at around 10 am the following message via the WhatsApp group chat:

"The Decision

The use of the data gained illicitly is considered by us to be unsporting behaviour. We believe the pilots were not aware of the illicit nature of the data and so will not be sanctioning the Australian Pilots.

The actions available to us is to require the Australian Team Captain to make a public apology to the Organisation, the Team Captains and the IGC. Further to refer the matter to the IGC and GFA.

As discussed you have until 2 pm to appeal/protest this decision."

15. At 10:30 am, TCo AUS Matthew GAGE was requested to attend the WWGC office.
    15.1. TCo AUS demonstrated how he accessed the un-delayed tracking data from the G-Track Live system.
    15.2. Present were otherwise CD, DCD, ASco, G-Track Live (developer and) SysAd, as well as AUS TP Lisa TURNER.
    15.3. Like TC AUS before, also TCo AUS did not mention that the software he developed was able to visualise the location of all competing gliders in a map together with other data of interest, like competitors' climb rates, weather observations and predictions.

Not relevant: The use of live tracking data was permitted so this is not relevant. Also, this statement insinuates that the TCo AUS was being underhanded by withholding information. The public OGN live tracking data also provided location and climb rates, as do many other live tracking sites. At no time was AUS asked what type of software was being used to display the data. Given that the use of the software was in accordance with the rules, it would not have occurred to anyone to mention to the organisation what it displayed, unless specifically asked, see 24.4.4.
Suggest that this be removed.

16. On 17 January 2020 around 11:30 am, the TC USA lodged via the WhatsApp group chat the following complaint from all TCs other than the TC AUS:

    "To: Mandy Temple, WWGC Championship Director

    From: Team Captains for USA, Germany, Poland, Italy, Luxembourg, Japan, UK, France, Czech Republic

    Subject: Complaint regarding your decision of 17 Jan 2020 at 09:57, regarding the matter of the Australian team using GFA tracking data.

    We concur with your decision that the use of data gained illicitly is unsporting behavior.

    We disagree that the pilots who benefited from this information should escape sanction. The reason given for this is that you believe the pilots were not aware of the illicit nature of the data. We believe the pilots must necessarily have known that they were receiving real-time tracking data of considerable tactical value, information almost certainly not available to other teams. We further believe that a lack of knowledge of the exact sources of this data is not sufficient to avoid sanction for its use.

    The use of the competition's own data by the home team in a manner and with knowledge that was not available to other teams is both unsporting behavior (as you have stated) and unquestionably brings the FAI into disrepute (reference Sporting Code General Section

6.2.2), therefore the penalties given do not reflect the gravity and scale of the offence, and the damage this has done to our sport."

17. On 17 January 2020 around 12:00 pm, the CD and DCD met informally with the TC AUS on the grid to advise that a penalty was likely to be applied.
    17.1. According to the AUS team, the CD and DCD tried to convince the TC AUS to accept a penalty of disqualification and then the Jury could determine the truth in a protest, which he refused.
    17.2. According to the CD they merely mentioned all possible penalties and discussed that there was likely to be at least one appeal afterwards.
    17.3. Further, according to the AUS team the CD and DCD said that they could not investigate the facts in the timeframe given and would apply a points penalty and leave that to the Jury to decide in an appeal.
    17.4. The CD denies that this statement (17.3) has been made.

18. On 17 January 2020 around 12:40 pm, the CD sent via the WhatsApp group chat the following message:
    "We have considered the complaint received and new information this morning and reviewed our decision. We issue a penalty of 250 pts to each Australian team pilot. CD"

19. On 17 January 2020 around 2 pm the CD informed via the WhatsApp group chat that the JP *"advises protest period closes at 14.37 two hours after our response to the complaint"*.

20. Four protests were submitted by TCs for AUS, GER, LUX and GBR. All protests including the protest fee (200 AUS $) were considered as received on time from each TC concerned.

21. Protest from TC AUS
    21.1. The protest requested to remove the penalty arguing that the actions of the AUS team were not unsporting and that the AUS TPs did not gain an unfair benefit.
    21.2. Around 5:50 pm, the JP met the TC AUS and AUS TP Lisa TURNER.

Omission: An additional point of the AUS protest was that there had been no breach of the rules and information was obtained legally.

Suggest that the following key point from the AUS protest be added:
There had been no breach of the rules and information was obtained legally.

    21.3. Regarding this meeting the TC AUS holds the view that his attempt to discuss the rules and explain how the data have been obtained had been ignored.
    21.4. The JP states on the contrary that she didn't ignore his explanation of rules and how the data have been obtained. According to her the JP listened to the explanations of the TC AUS, covering that the data gathered from G-Track Live were legally obtained, open to everyone. He further explained according to JP that *"in Australia we are not so familiar with the OGN System therefore we preferred to use G-Track Live system. The Europeans are highly experienced in using OGN for tracking the competitors and they always used it in competitions were we participated and sent tracking information etc. to their teams. We were upset about their advantages. Here in Lake Keepit the other Teams use OGN and Private OGN* (but couldn't tell which Teams). *They are able to obtain the same tracking data as we do from G-Track The web site monitor is not password protected, it is open to everyone, so we used it, no illicit actions, everything is legal."*

Factually incorrect: The AUS TC has been misquoted. **Suggest:** to correct the quotation: replace the sentence "*Here in Lake Keepit the other Teams use OGN and Private OGN* (but couldn't tell which Teams)*." with "*Here in Lake Keepit *it was allowed to* use OGN and Private OGN." This is more correct because the AUS TC was referring to the use of live tracking data being in accordance with the rules. Refer to 25.4.4. in this document.
Not relevant: (but couldn't tell which Teams) This was not said by the AUS TC and is not relevant because Private OGN was permitted.

21.5. The JP expressed to the TC AUS that the developer of the G-Track Live system and SysAd had a different view on this matter. He had explained the situation in writing to the Jury members.

21.6. According to JP, at this meeting with TC AUS she stated that she had attended

Not relevant: The different view of the SysAd is not specified.
Australia has not been provided with evidence to support the views expressed by the developer of the G Track Live system. It is procedurally unfair to include unsupported statements or evidence which has not been supplied to all parties.
Suggest that if the different view on the matter is not specified and evidence to support this statement cannot be provided, it be removed.

the meeting organised by some of the TCs held earlier in the day (where neither TC AUS nor CS, CD or DCD were present) which enabled her to see their view of the incident. But no judgement was rendered at the time.

21.7. The JP advised the TC AUS that Australia had broken the 15 minutes requirement in LP section 4.1.1.c "Carriage of GNSS data transmitters for public displays".

Omission: The paraphrasing of the rule by the JP distorts the meaning of the rule 4.1.1.c by suggesting that it relates to access and use by participating teams rather than display by the organisation. **To provide context for this statement, suggest that:** the rule which refers to the 15 minute delay to the organisation's display should be included in full.

21.8. The AUS protest was rejected by 2 votes to 1. The Jury reply mentions that *"Taking the appropriate rules into account, we (Jury) decided to award 25 points penalty each competition day for each Australian pilot."*

Omission: the appropriate rules taken into account were not specified.
- The appropriate rules referred to by the Jury were –

FAI Sporting Code General 6.2.2
Annex A 8.6.5
Annex A 5.4.2
Suggest that the rules referred above be specified.

21.9. The reply of the Jury to the protest is dated 20 January 2020 and was emailed that same day by the JP to the TC AUS.

21.10. After receiving the reply to his protest, the TC AUS requested the Jury by email on 21 January to re-open or re-consider their decision.

21.10.1. There is no provision in the rules for such a request.

21.10.2. The JP answered on 22 January 2020 by email to the TC AUS that the Jury does not consider it necessary to re-open the case.

22. Protests from TC GER, TC LUX and TC GBR

22.1. Three separate protests were submitted, all with the demand to disqualify all pilots of the AUS team arguing the penalty as insufficient.

22.1.1. TC GBR drafted a protest document and invited the other TCs to copy the document for their respective protest, considering *"shortage of time for none English native speaker"*.

22.2. The protests were rejected by the Jury with 2 votes to 1 as a disqualification of the AUS team was not deemed appropriate by the Jury.

22.2.1. The reply mentions: *"The reply of the protest is to award 25 penalties per each comp. day to each Australian pilot. This makes 225 points in total for 9 days instead of 250 penalties decided by the CD."*

22.2.2. The pilots flew on 10 days but on 6 January 2020 the day was cancelled for safety reasons when about three hours on task heavy smoke on the final leg prompted the Organisers to prioritise returning home safely. The initial penalty from the CD of 25 points/day was applied per day with competition launch, similar to how a penalty for airspace infringement would be applied, but the Jury reasoned that since the day was cancelled the total number of competition days decreased to 9 and therefore the penalty had to be reduced from 250 to 225 in total.

22.2.3. This above view regarding the number of days to apply a penalty to (22.2.2) is shared by the Sporting Code 3 Annex A Committee of the IGC.

22.2.4. Despite that the protests were rejected the Jury suggested the return of the protest fees with the remark that *"all protests have good grounds"*.

22.3. The Jury replied to each protest individually, dated 19 January 2020. The text of the emails was shared on that same day with via the WhatsApp group chat.

23. Jury treatment of the protests

23.1. The Jury consisted of the JP from Germany who was present at the competition, and two remote Jury members: Max STEVENS (NZL) and Wojciech SCIGALA (POL).

23.2. At around 8:30 pm JP received a phone call from the POL Jury member who communicated that he supports the decision of rewarding 25 penalty points per competition day to each AUS TP.

23.3. The NZL Jury member couldn't be reached within the timeframe available but supported the communication of the decision in writing at a later time.

Factually incorrect: The NZL Jury member was reached within the timeframe by email but there was no discussion within the Jury.

This statement implies that the NZL Jury member supported the decision which is not a fact. Email evidence from the NZL Jury member gives an accurate summary of his decisions and communication between Jury members.
Recommend that this statement be corrected to say: The NZL Jury member was reached within the timeframe available *and, although he disagreed with the decision, he* supported the communication of the decision in writing at a later time. In addition, the facts included in the NZL Jury member's email should be included in this document.

23.4. The Jury did not invite any of the protesting parties to a meeting in order to represent their respective case in person.

Omissions:

1. The two remote jury members were not available on the final day of competition to hear any protests arising from the last day of competition, and they were not invited to take part in a final Jury meeting to discuss the issues and confirm the results.
2. No valid meeting of the International Jury took place. A Quorum was not formed.
3. The Jury members did not discuss the differing views together, which compromised the decision making of the Jury.
4. The Jury did not hear both sides of the dispute as required by the rules and, only an informal conversation was held by the Jury President with the Australian Team Captain with no other Jurors participating. The Polish jury member had a long conversation with Jacques Graells but did not discuss any points with the Australian Team Captain.
5. There was no agreement by Jury members to the final decision before the award ceremony and the final decision occurred two days later with one Jury member not agreeing.

See comments from the NZL Jury member provided with the letter sent with the SoF.
Suggest these facts be added to 23.4

23.5. The decision of the Jury was finalised around 8:30 pm with the prize giving and closing ceremony scheduled for 9 pm. The decision of the Jury presented before the prize giving and closing ceremony in writing to the CD was brief.

23.6. At the prize-giving ceremony, the results were announced with the 225 points penalty applied which impacted the Gold, Silver and Bronze medals in Club Class, including denying an AUS TP the Gold medal, and as one of the consequences awarding a GER TP the Silver medal rather than Bronze. In Standard Class an AUS TP was denied the Bronze medal, which got awarded to a GBR TP, instead.

23.7. None of the protests had received a written reply from the Jury in the time frame required by the rules. The replies of the Jury to the protests have been provided only after the official closing of the WWGC, on 19 January 2020 for the protests from GBR, GER, and LUX and on 20 January 2020 for the protest from AUS.

23.7.1. All Jury members state that not having followed due process is highly regrettable yet that this had no impact on the decision as such. All agree that the situation was clear to them and had been discussed prior to the decision been communicated by the JP.

Factually incorrect: This is an opinion that is disputed. The JP did not contact NZL Jury member after his email which disagreed with the penalty that was sent to her three hours prior to the award ceremony, prior to the results being announced. The NZL Jury member did not get confirmation of the penalty decision for a further two days. He made a request to record his dissenting view.
See comments from the NZL Jury member provided with the letter sent with the SoF.
Suggest that all the above statement be added to this document.

24. WWGC official tracking system (G-Track Live system)

24.1. The G-Track Live system had been developed with GFA support by Jacques GRAELLS on a voluntary basis. The idea was to get a tracking system for glider competitions in AUS available for free and giving a public display.

24.2. Initially, it was not imagined that the system would be used at the level of a World Championship. G-Track was eventually considered as the WWGC official tracking system considering the positive feedback and experience after using the system in about thirty AUS gliding competitions.

24.3. The G-Track Live system uses on-board GNSS data receivers to obtain information of each glider equipped, and the GSM mobile telephone 3G and 4G networks for transmission of the data to a server. The data is received and available for display with very little delay, essentially in real time.

24.4. During the WWGC at Lake Keepit the combined 3G/4G network covered essentially the complete competition area (figure provided by mobile network operator Telstra):

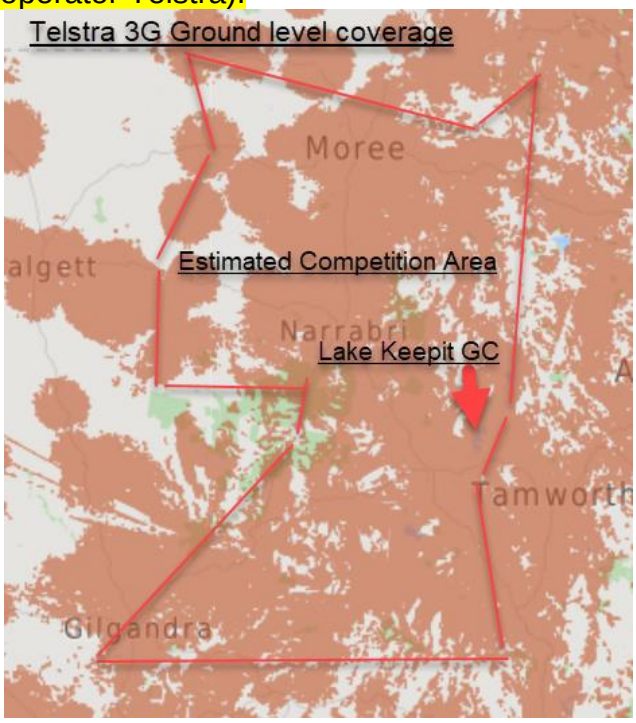


Figure 1

Factually incorrect: In Australia, due to there being large unpopulated areas, there is a low number of towers across the task area. As a result, little or no reception is common across large areas. There were numerous places where the 3G/4G network dropped out, leaving significant gaps in the display. Data gathered by the Australian Government for their Mobile Black Spot Program shows that mobile reception in the task area is patchy. A black spot is an area where mobile reception is not available or regularly drops out.

The map in Figure 1 is sourced from a telecommunications company and is known to overstate coverage. The Telstra map might show desired coverage but the experience of mobile users is that the coverage is much less, as the black spot data shows.

A more accurate indication of coverage can be gathered by taking into account black spots as mapped by the Australian Government. The map can be found at this link:

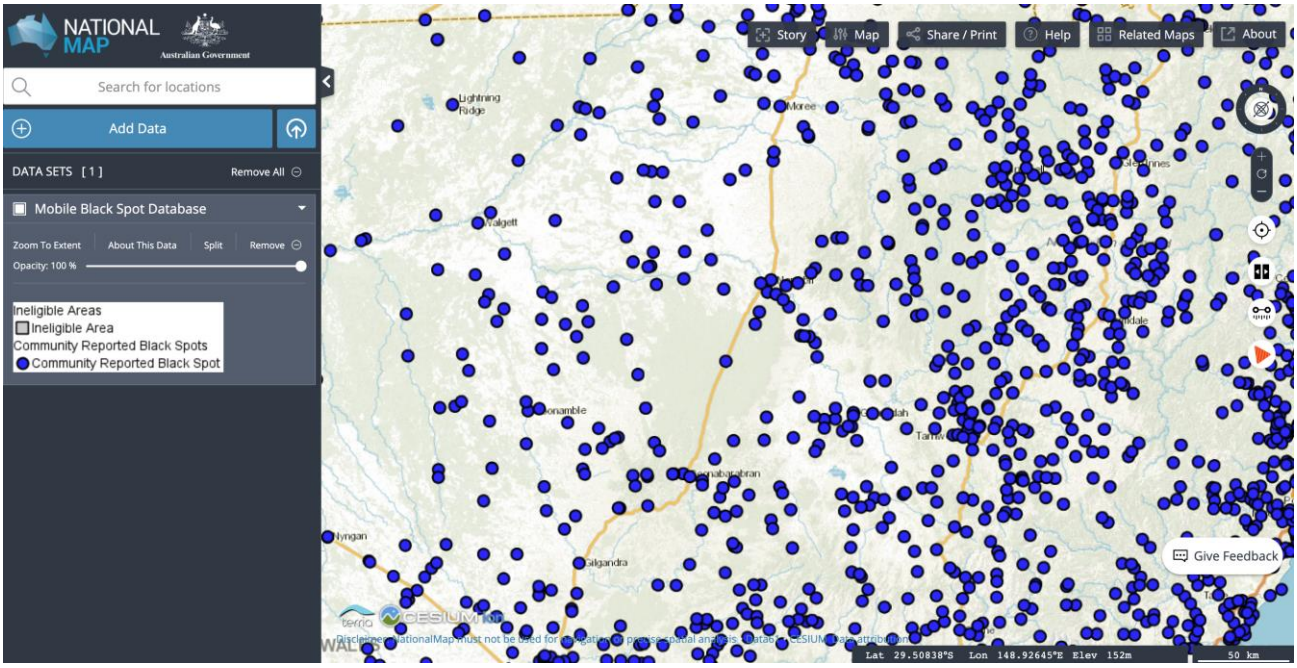
https://nationalmap.gov.au/#share=s-qmYEiDx3gp6CmV9gfGZRxw4aqmV

Factually incorrect: Without clarification, this statement implies that the AUS pilots had access to data for the complete competition area which is untrue. The extent of access to information radio transmissions which were limited by radio range.

Suggest that:

The following statement be added "The information being passed on to pilots was limited to the radio range which covers a significantly smaller area than that shown in Figure 1."

And
Correct the statement in 24.4 as follows: "During the WWGC at Lake Keepit the combined 3G/4G network unreliably covered a portion of the competition area".



24.5. The carriage of G-Track Live trackers was mandated per LP section 4.1.1 c Carriage of GNSS data transmitters for public displays: "*The organizers will require competing sailplanes to carry GNSS data transmitters to enable the public display of GNSS flight records during competition flights. 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.*"

24.6. For each competition, an administrator is officially nominated to administer and run the system. The SysAd nominated for the WWGC was Jacques GRAELL, developer of the system.

24.7. The G-Track Live system includes two separate user interfaces:

24.7.1. A general interface via the web address “gtracklive.com” for the public display of the data with an open access (no login / password).

24.7.1.1. As required in the WWGC 2019 LP section 4.1.1.c, a 15 minutes time delay had been applied from the first competition day (but not for the practice days before the competition) to all data displayed on this general interface.

Factually incorrect: The LP rule 4.1.1.c requires a 15 minute time delay to the public display, not to all data displayed.
Suggest that the rule is written in full or that the word ‘all data displayed’ is replaced with ‘public display’.

24.7.1.2. After selecting from the home web page the specific competition that the individual wants to observe or watch, they are taken to a web page displaying a map, task information (set by the administrator), glider positions, glider tracks and other data displayed in a smaller ‘details screen’.

24.7.1.3. It was also possible to obtain details relevant to a specific glider by selecting it in the ‘details screen’, or by selecting the glider itself on the map, which then was displaying an overlay of the information relevant to that glider.

24.7.1.4. An option to replay previous days tracking information was also available from the home page.

24.7.2. An administrator interface via the web address “admin.gtracklive.com” with restricted access requiring a login and a password. Data and information available via the administrator interface were real time without the 15 minutes time delay.

24.7.2.1. The password to log on the administrator interface had been changed for the WWGC, also following advise from Matthew GAGE to do so.

24.7.2.2. When logged in, the administrator interface gives access via a menu to the different "admin.gtrack.com" sub web pages.

24.7.2.3. Subject to be logged in, it is also possible to access directly each sub web page by typing the address of the web page, for example “admin.gtracklive.com/events.php”

24.7.2.4. In the case where one is not logged in, a redirection to the login web page takes place in order to enter the admin credentials (username and password).

24.7.2.5. Sub pages included “Events” (allowing configuration of the events and tasks), “Report on/off” (reporting if pilots turned their trackers off during flight), and “Monitor” (used to troubleshoot trackers, providing last received data, i.e. position etc. for each device).

24.8. Following previous development work, during WWGC2019 the admin monitor page “admin.gtracklive.com/monitor.php” unintentionally did not require a username and password to access it as the developer after testing had forgot to reinsert the required program line that controls the password protection.

24.8.1. The developer and system administrator was unaware of this omission which left the position data of gliders unprotected.

24.9. By mistake (a copy and paste error) the same monitor page did also exist for the public page, accessible through “gtracklive.com/monitor.php”, also showing un-delayed glider positions and also not protected by a password.

24.9.1. However, this monitor page on the public page was not advertised or reachable by a hyperlink, but it could be discovered when analysing the source code of the page, which a video circulated after the WWGC demonstrated publicly. The URL is seen mentioned in a source code line that had been commented out.

24.9.2. However, the logs did not show any access to this monitor page on the public site, the access by the AUS team was made through the admin page “admin.gtracklive.com/monitor.php”.

24.9.2.1. AUS TCo stated that his browser suggested the URL “admin.gtracklive.com/monitor.php” when he started typing “gtracklive” at one occasion.

24.9.2.2. Internet browsers have an auto completion feature that makes a list of suggestions while an address is being typed in. This auto-completion feature bases its suggestions on the browser's history.

24.9.2.3. AUS TCo had on previous occasions worked as a G-Track Live system administrator, among others at the AUS Nationals a few weeks earlier, which correlates to his statement that the URL “admin.gtracklive.com/monitor.php” was suggested to him – his browser history likely contained this URL.

25. Private tracking systems

25.1. With the introduction of Flarm many years ago pilots have been able to check on 3D position and climb of competitors in their immediate surroundings.

25.1.1. The amount of information available depends on combined broadcast and receiver range of the Flarm installation in both planes concerned.

25.2. With the later introduction of internet-connected ground-based Flarm receivers connected to the Open Glider Network (OGN), ground crews have been monitoring progress of competitors and passing information to their pilots.

25.2.1. The tactical use of tracking data obtained through OGN at International Gliding Competitions has been considered as within the rules applicable at the time.

25.3. The advantage of a team with “private OGN stations” (i.e. ground-based Flarm receivers not connected to the public OGN) over those without it has been a point of contention and discussion within IGC for some years but considered to be within the rules applicable at the time.

25.3.1. One advantage of a network of private OGN stations is that tracking information is available for areas where public OGN has no or only spotty coverage.

25.3.2. Another advantage arises from the possibility of “rogue OGN stations” that do not honour NoTracking requests (see 26).

25.3.3. There has never been proof of any team having deployed “private OGN stations” in an international gliding competition.

Incorrect: Use of the word “rogue” is incorrect, suggestive of illegality, and misleading.

Not relevant: It is not necessary to prove use of private OGN if it is permitted. Refer to 25.4.4. in this document. In addition, this is misleading. It implies that private OGN has not been used by teams in previous championships, which is incorrect, see: https://www.youtube.com/watch?v=q4p6UoA5gzg (see at approximately 7 minutes in).

Suggest that “rogue” be removed and 25.3.3 is removed

Omission: This sentence does not adequately summarise the facts relating to rule discussions.

“Despite this, the IGC were unable to reach agreement on rules to prevent the use of tracking data. The February 2018 IGC plenary meeting discussed the use of real time tracking and did not resolve the issue. The 2019 IGC plenary meeting proposed two rules (from Germany and UK which were designed to prohibit live tracking). These were removed from the 2019 draft edition of the rules by the IGC Bureau prior to the 10th WWGC. The new version of the rules was issued on 7 October 2019. At the time of the WWGC in 2020, there were no rules prohibiting the use of real time tracking data by pilots. Refer to 25.4.4. in this document.”

Refer also to attachment of email from the NZL Jury member.

For completeness, suggest that the above statement be added after the current statement in 25.4.

25.4. The IGC have over the years discussed rules to prevent the use of tracking data.

25.4.1. For safety reasons International Gliding Competitions require the use of Flarm in their respective LP.

25.4.1.1. For example WWGC 2019, LP section 4.1.1.c,d Additional Equipment and requirements: “*The installation and use of a proximity warning device (FLARM) is mandatory.*” And “*Non-functioning Flarms may be penalized as a safety breach. First offence a warning, subsequent breaches (n-1) X 25 points*.”

25.4.2. The unintended use of Flarm to get information about competitors has been discussed at meetings of IGC Stewards for several years.

25.4.2.1. In connection with the 2016 IGC Plenary meeting in Luxembourg an “Open Flarm Forum” was held, discussing whether the IGC should control the use of Flarm and how such control would be enforceable.

25.4.2.2. The meeting discussed Flarm’s competition mode (“stealth mode”) and if tasks or rules can be designed to reduce the advantage that surveillance by Flarm gives.

25.4.3. During the 2018 and 2019 IGC Plenary meetings IGC Delegates discussed at length the use of real time tracking by ground crews to aid pilots during their task in connection. Several proposals:

25.4.3.1. “IGC rules (incl. penalties) for proper visibility of all gliders of the Championship” (GER) advocating for mandatory visibility of all gliders on OGN. Approved as Year 1 proposal 8.2.10 in 2018 and withdrawn as Year 2 proposal 8.1.7 by Germany in 2019.

25.4.3.2. "Re-establish the basic purpose of FLARM and define different and/or additional trackers for OGN tracking" (GER) advocating for separating the function of proximity awareness (Flarm) from live tracking (dedicated IGC Trackers to be developed). Approved as Year 1 proposal 8.2.11 in 2018 and approved as Year 2 proposal 8.1.8 in 2019.

25.4.3.3. "External aid to competitors as part of the rules" (GER) advocating for expressly allowing external aid by the ground crew. Approved as Year 1 proposal 8.2.12 in 2018 and disapproved as Year 2 proposal 8.1.9 in 2019.

25.4.3.4. "Delayed Time Tracking" (GBR) advocating for "*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.*" Approved as Other proposal 8.3.3 in 2019 and applicable immediately.

25.4.3.5. "External Aid to competitors" (GBR) advocating for the competition to be directly between the individual competitors, neither controlled nor helped by external aid, to consider the following as cheating: the use of mobile devices and competing pilots using data not being available in public domain. Approved as Year 1 proposal 8.2.2.3.b in 2019.

25.4.3.6. "External Aid to competitors" (BEL) advocating for adequate measures to be taken to ensure enforcement of rules against external aid. Introduced as Year 1 proposal 8.2.2.3.a in 2019 but withdrawn after discussion and approval of 8.2.2.3.b (see above).

Not relevant: None of these proposals were approved for the rules used at WWGC 2020 and the AUS team did not contravene any of these proposed rules. In addition, it is not expected that teams be familiar with discussions and proposals that are not approved.
Suggest that 25.4.3 be removed in its entirety.

25.4.4. At the time of the WWGC 2019 in January 2020, there were no rules in effect prohibiting the use of legally obtained real time tracking data by pilots.

26. Open Glider Network (OGN)

26.1. During the WWGC at Lake Keepit the public information from OGN was accessible for everyone via different web sites, including "*live.glidernet.org*" and "*gliderradar.com*".

Omission: The Lake Keepit OGN provided real time tracking information with a display of glider location and altitude and climb rates, available to all teams. All teams had access to undelayed live tracking of some type.
Suggest that this paragraph be added to 26.1

26.2. OGN ground receiver respects the Flarm No-tracking flag, which is an option a pilot can enable in their respective unit in order to not get tracked by OGN.

26.2.1. Data packets are dropped by an OGN ground station as soon as the No-tracking flag detected in a message, received from a Flarm device where No-Tracking has been enabled.

26.2.2. The data is then not relayed to the OGN server infrastructure, which means the concerned glider cannot be viewed on OGN-connected websites such as mentioned above.

26.2.3. WWGC2019 competitors with enabled no-tracking flag were not visible on public OGN.

26.3. In addition to enabling the no-tracking flag a pilot has other options:

26.3.1. Use of the Random Mode for their Flarm ID

26.3.1.1. This makes a correlation of Flarm ID and competitor more difficult for anyone being interested in such surveillance.

26.3.2. Enabling the "I do not want to be tracked" option in the OGN database

26.3.2.1. Doing that, the glider is not displayed on the official OGN tracker but the data is still available and relayed to any other website asking for it.

26.3.2.2. The intended use is primarily for Search & Rescue.

26.3.2.3. However, it is possible that other websites do not respect this option and still display the glider in question.

26.4. At Lake Keepit the OGN did not cover all the competition area (figure provided by OGN):

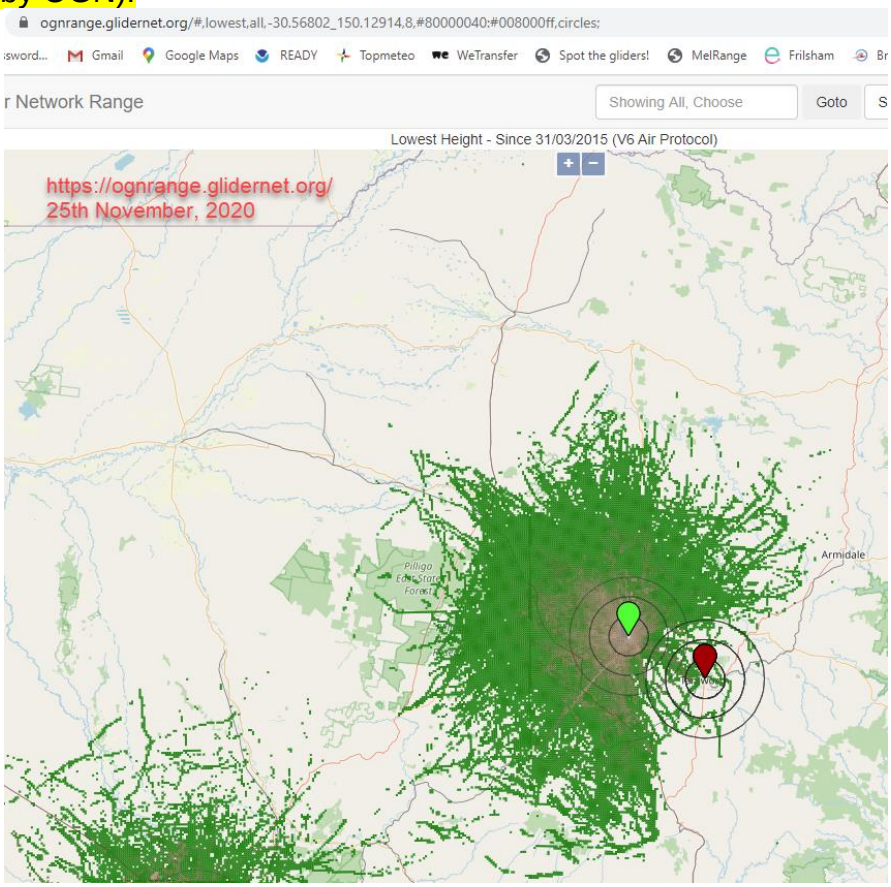


Figure 2

26.4.1. OGN data “faded” for some gliders very quickly as they moved away from Lake Keepit depending of the quality of their FLARM installation (red: flight traces from all IGC files recorded during the WWGC, green hues: overlayed data from OGN, provided by Melissa Jenkin)

Factually incorrect: Without mention that pilots' access to information was limited by radio coverage, it is implied that the AUS pilots had access to data for an area that is much greater than the public OGN coverage, which is untrue. This applies to Figures 2 and 3.

"Pilots' access to information was limited by radio coverage, which is confined to line of sight and reduced by terrain, usually reaching a maximum of 90 km."
Suggest that this statement is added to 26.4.

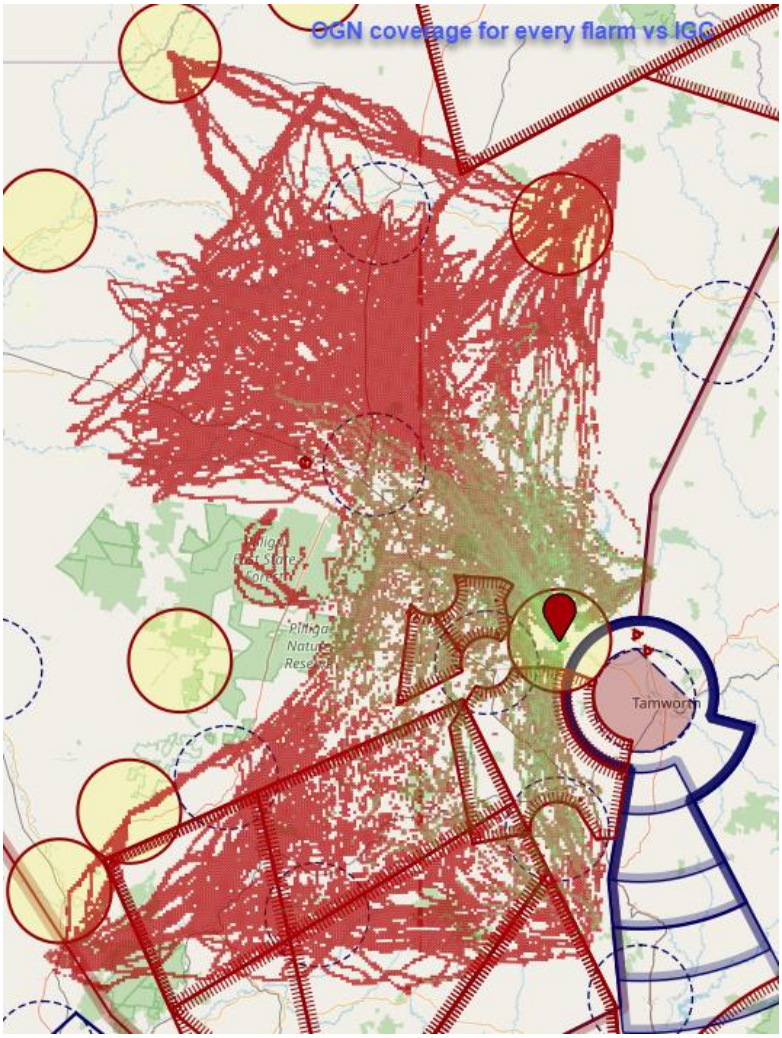


Figure 3

26.5. An individual or a group may create their own "private OGN" (the term itself being an oxymoron but widely used) with ground receivers and server infrastructure.

26.5.1. It is technically possible that such private systems are "rogue" and do not honour Flarm's No tracking flag.

26.5.1.1. In that case, a private OGN network would provide live tracking data for all gliders equipped with a Flarm device within range of the receiver(s), i.e. even for pilots who have specifically requested not to be tracked.

26.5.2. At the time of the WWGC, use of such a private and possibly rogue system was not forbidden in the IGC Sporting Code rules.

26.5.3. Countering rogue OGN stations by technical means:

26.5.3.1. IGC has considered it necessary to develop its own tracking system, independent from Flarm, to avoid pilots switching off Flarm just to

not been tracked by competitors (which would mean they also switch off the collision risk awareness functionality that is the original purpose of Flarm).

26.5.3.2. In addition, Flarm has been requested to modify their system such that the Flarm ID is shifting during the flight.

26.5.3.3. Shifting ID can be countered in turn by stitching flight traces that obviously are part of a set and comparing to manual observations.

27. Matthew GAGE, AUS TCo, had developed a system to monitor the location and progress of competing gliders together with continuously updated weather information and terrain, airspace etc. for the AUS ground crew.

27.1. The system allowed the viewing of all three classes on a single map.

27.2. Data was pulled from various sources like Google Earth, various weather sites, Lake Keepit OGN, FlightRadar24, and the G-Track Live system.

27.3. Similar systems have reportedly been used by other National teams during previous international gliding competitions. If legally obtained the combination of such data and use to aid pilots during competition had at the time not been prohibited.

27.4. The system was used to provide tactical information to the AUS TPs by radio in real time throughout the competition.

27.5. During practice days G-Track Live provided undelayed position data publicly. The 15 minute delay for public viewing was first applied on the first competition day.

27.6. The AUS TPs knew at some time during the competition that G-Track Live data was one of the sources of information used by ground crew to build a current picture of the competition and advise/direct the pilots.

Factually incorrect: Ground crew did not direct pilots. They provided information for which each pilot could base their own decision upon. This was permitted within the rules.
Suggest that the word 'direct' be removed.

27.6.1. According to one witness this matter was raised in one of the first AUS team briefings in the beginning of the WWGC. G-Track Live as a data source was explicitly mentioned.

Factually incorrect and not relevant: The matter was not raised at an AUS team briefing until there was a concern expressed by the organisation at the end of the competition.
Suggest that this statement be removed.

27.6.2. AUS TPs had been advised by AUS TC and AUS TCo that there were no rules breached by the access and use of the G-Track Live data because it was "publically available" and in any case supposedly just gives the same advantage as a private OGN.

27.6.3. Later, some pilots ("two at least, or three" according to a subsequent investigation) asked at a team meeting for confirmation of this.

27.6.3.1. AUS TC confirmed and according to his own statement: "in the discussion I wasn't really all that enthusiastic about having long winded discussions about one bit of data versus another data. We just reinforced that it's within the rules".

Out of context: The inclusion of this statement out of context implies that the AUS TC was trying to hide information from the pilots. The AUS TC was in fact completely open and willing to provide TPs with any information they wanted.
Suggest that this statement be removed.

27.6.4. According to a subsequently conducted investigation conducted by Damien GATES on behalf of the GFA "in at least two cases a pilot felt they would be chastised or sanctioned if they raised or elevated the issue any further".

27.6.4.1. AUS TC was asked during the oral hearing for the AUS appeal if there would have been grounds for such fear, perhaps because a pilot had been grounded previously due to not following Team Captain orders. He denied with the words "*I'm surprised that they felt they would be chastised. I don't know if they meant chastised by me or chastised by other pilots or what it means. That's not quite my style, but people feel different things differently.*"

27.6.4.2. During the WGC 2018 at Hosin, CZE, the AUS TP Scott PERCIVAL was suspended from the AUS team for two days, quote: "for not following team orders" and thus grounded. He later got reinstated into the AUS team and was allowed to compete again. AUS TC was also Terry CUBLEY. The specific details of this incident are not within the scope of this IAT but the incident as such is known among AUS pilots.

Not relevant: The points listed under 27.6 bear no relevance to the question being addressed by the tribunal of whether the penalty was valid - in particular the statement relating to the competition at Hosin 27.6.4.2. If this point remains in this document, it should be worded to be factually correct and include the relevant contextual details noted below.

Factually incorrect: The implication of these out of context unrelated points that there was some sort of bullying or intimidation by the AUS TC is not a fact.

Factually incorrect: "The pilot was grounded for not complying with the requirements of his pilot Code of Conduct, which was agreed to in order to be selected and receive funding. This decision was approved by the GFA President and Chair of Sports. Once he attended team meetings he was reinstated."
Suggest that 27.6.4.2 be removed or the statement above added

28. Both TC LUX and TC JPN asked to be allowed operate on the AUS radio channel, which TC AUS approved

28.1. Both LUX TP and JPN TP are based in Australia, thus there is an established personal relationship.

28.2. TC LUX states that the reason for asking to operate on the AUS frequency was safety

28.3. TC AUS states to the IAT that both team LUX and team JPN "*team had access to the same information that we were transmitting to our pilots*" and therefore "*they were also involved*".

28.3.1. TC LUX denies that they were provided with access to the system of team AUS (see 27) or even having been shown how the system looked like.

28.3.2. TC LUX is also confident in that team JPN was not given access, either.

28.4. During the second contest week TC LUX asked one AUS crew member about the source of their detailed data and was told it was all legal and publicly available.

28.5. TC LUX witnessed the continuous coaching of AUS TPs with detailed information, also for areas where OGN coverage was zero (see 26.4 and 26.4.1).

28.5.1. Most information was given relative to the known position of AUS pilots, thus being of less use for anyone else monitoring the AUS radio channel.

Factually incorrect: These are statements made by individuals with no evidential support. This section implies that information given by coaches is somehow related to alleged intimidation and bullying by the AUS TC (points 26.4 and 26.4.1) which is not fact and is denied by the AUS TC and TPs. It also implies that pilots were directed rather than offered information which is not true. In any event, it is not against the rules for a coach to provide information to a pilot in flight.

28.3.2 is pure speculation and should be removed.

Suggest that 28 be removed in its entirety.

28.5.2. Example of a radio message to an AUS TP: "*About 8 km to your west the Germans are climbing with 7-8 kts.*"

28.5.3. Stated by AUS TP Lisa TURNER: "*They had a ruler and they could measure the distances between gliders and where the other gliders were, and they could vector Australian pilots to a climb and they got more accurate climb data*".

Omissions:

The use of Live tracking information from OGN, G-Track Live and Private OGN was permitted, so using that information cannot be considered as providing an unfair advantage. Other teams were allowed to use whatever live tracking they could access.

The G-Track Live data was available through the G-Track Live web site and was not protected, so it was legal to access and use. Access was not illicit.

Suggest that these two points be added to the statement of facts.

APPENDIX B3

IAT response to AUS letter

OGN

There are some basic facts which seem to have been either lost or confused in the mass of information provided by all teams and witnesses. These include the following concerning OGN in general.

1 OGN and live tracking was allowed under the rules of the contest.

IAT response: This IAT notes that the appellant wants to make this case about OGN and live tracking in general. However, this case is really about whether the use of non-time delayed data from the official tracking system G-Track Live by the AUS team, obtained as described in this document, is to be considered unsporting and if so whether the penalty imposed by the International Jury was correct.

2 There were two known forms of live tracking in use at Lake Keepit. One was the organiser's G Track Live and the second was the OGN installed by the Lake Keepit Gliding Club. (Many gliding clubs around Australia and the world have installed OGNs). In addition, it must be assumed that other countries had their own OGNs in use during the competition as it was allowed under the rules and gave an advantage.

IAT response: We note that the appellant has an unclear understanding of the matter. There is only one OGN which is supplied with data by a multitude of OGN ground receivers. We recommend the appellant to study the website http://wiki.glidernet.org as well as this document. Again, this case is not about live tracking in general.

3 The Lake Keepit Club OGN was available to all teams at all times and was live (undelayed).

IAT response: See above.

4 Various OGNs may use different technology but they all read and report on the FLARM information sent from each competing glider.

IAT response: See above.

5 All OGNs collect the same live data of position, height and rate of climb as did the G Track and Lake Keepit Club systems.

IAT response: See above.

6 G Track could obtain its data from a greater distance than the Lake Keepit Club OGN as it used the cellular telephone 3G system; however, the ability to then transmit information to competing pilots was limited by radio range which did not cover the whole task area. It was also limited by "Black (no service) spots" – see map showing this in the SoF comments.

IAT response: G-Track Live uses both 3G and 4G mobile phone networks. The amount of data transmitted is very small, thus "no service" for voice communication does not necessarily mean "no service" for the tiny data packages of G-Track Live. Compare to SMS a.k.a. "texting".

The fact that voice radio did not cover the whole competition area is at best irrelevant, more likely

misleading as radio messages can also be relayed from glider to glider. In any case, this limitation applied to all pilots equally.

> 7 The radio range was broadly equivalent to the Club's OGN range, 90 Kms at best (dependent on heights of gliders and limited more so to the north where terrain was a greater obstruction to radio coverage).

IAT response: This document contains in section 26.4 a figure showing OGN range at Lake Keepit which clearly shows significantly less range than 90km, more likely 30km. The appellant is also referred to https://ognrange.glidernet.org/?#YKEP2,max,lastweek,-30.89070_150.52500,10,#80000040:#008000ff,circles which is a publicly available service.

> 8 The only benefit to the Australian display system in having access to G Track Live was as a backup in case the other system failed, which it didn't. When using the Australian visualization display during racing, the Australian coaches did not know whether the information displayed was coming from G Track or from OGN.

IAT response: Factually incorrect and misleading. Since G-Track Live had a significantly better coverage of the competition area it is clear that the AUS system benefited from the access to this particular data source. It is irrelevant whether the system user was aware of the source at the time of use.

> 9 The unique features of the Australian visualization display were that it allowed all information (and classes) to be shown on a single screen and for the coaches to measure distances between gliders. This was all allowed under the rules.
>
> It is important to understand this "ruler feature" was new and unique, it allowed the coaches to measure distances and this information took other competitors by surprise. We assume that they thought Australia had extracted the G Track data in a particular way to achieve the ruler. Australia had not. The data was sourced through a public source, and the ruler was also achieved using only OGN data outputs.
>
> What Australia had invented was a new method of displaying the publicly available data to its benefit. It was not intended to be for commercial use. For this reason, it didn't have a user manual as a commercial product would have. The way the data was sourced and interpreted was all within the rules.
>
> Further, much of the software that was written for the ruler tool had its origins in the Proximity Analysis Tool that the FAI acknowledged by awarding John Wharington and Matt Gage the Paul Tissandier Diploma for those who have served the cause of Aviation in general and Sporting Aviation. In particular, the software to read the tracking web page is fully based on this. This software has been used this year in multiple events in Europe.

IAT response: Factually incorrect, misleading and irrelevant. As acknowledged by the developer Matthew GAGE, the code ("software") for reading data from the G-Track Live monitor page employs a publicly available library for HTML parsing. Standard practice. The mentioned Proximity Analysis Tool evaluates GNSS fixes from recorded flights (igc files), no map or ruler involved there and neither does this tool harvest data from live tracking webpages. To portray the AUS tool employed at the

WWGC for harvesting, combining and visualizing live data of competing pilots, weather etc. as being based on code from the Proximity Analysis Tools is factually incorrect and intentionally misleading. In any way it is irrelevant to the present case.

> 10 Lest there be any doubt that teams had been using OGN in other world championships please view this video which is publicly available on Youtube showing a German pilot in the 2018 Junior Worlds requesting OGN information as to whether a competitor had started. https://www.youtube.com/watch?v=q4p6UoA5gzg (see at approximately 7 minutes in). Live OGN is in use at the 2021 Junior Worlds currently being held.

IAT response: Irrelevant and misleading. Again, this case is not about live tracking in general but specifically about whether the use of non-time delayed data from the official tracking system G-Track Live by the AUS team, obtained as described in this document, is to be considered unsporting and if so whether the penalty imposed by the International Jury was correct.

> **Statements from other parties.**
>
> The SoF contains information which has not been submitted by the Australian NAC nor contained in the Australian Appeal document. Therefore, it is presumed that this information has come to you from other persons. In many instances we believe that the information currently in the SoF is either incorrect or is taken out of context. Australia has not been provided with statements or any evidence supporting that information.

IAT response: The appellant has been invited throughout the process to provide specific requests for evidence, see APPENDIX D. Naturally, since this IAT handles both appeals, the one from AUS and the joint appeal from GBR/GER, there is more evidence submitted than what AUS provided. Furthermore, the IAT conducted additional interviews and requested information by email from various people. By the time this document has been published we have honoured and went beyond above request to share statements/transcripts from CD, JP, SysAd, TC Lux, AUS TP Scott PERCIVAL and others with all appellants – see APPENDIX E.

> In order to ensure procedural fairness to the Australian Appeal, we request these statements and related evidence be provided to Australia to review and comment upon. Without this, it is unfair to the Australian Appeal to include these matters in the SoF.

IAT response: See above and APPENDIX E. Considering evidence not to the liking of the appellant is not unfair.

> We will deal with this promptly – within 14 days of receipt – and given that over 15 months has now elapsed since our appeal was lodged, we trust you agree that this is not an unreasonable request. The UK and German teams were provided with another month to lodge their appeals to ensure procedural fairness and we request you allow this to the Australian NAC.

IAT response: See above. Within said 15 months AUS NAC has been invited to actively participate in the process. Please note that GBR+GER lodged their appeal within the original time frame. The additional 30 days were granted by CASI to GBR+GER NAC in order to pay the fee, which was done promptly. See sections 1 and 2.

Request denied because it is in conflict with the official FAI rules for an IAT.

By way of example, we have contacted Max Stevens and, with his permission, we attach the email trail that he sent regarding his communications with the other jury members. This information shows that several issues included in the SoF are incorrect. We would like to see the statements and/or transcripts provided to you by individuals such as the CD, the JP, SysAd, TC Lux, AUS TP Scott Percival. If there are others which you feel it appropriate to show us to ensure procedural fairness then we would welcome that.

IAT response: The IAT notes that Max Stevens disagreed with his Jury peers on the size of the penalty. He advocated for the AUS team to merely being excluded from the Team Cup but also states clearly that he will not try to change the majority vote.

The documents requested have been provided directly to the all appellants, see APPENDIX E.

The Local Rule concerning the obligation to delay information.

We would like you to note that:

1 The IGC addressed this issue in its meeting in March 2019. The rule adopted was:

*"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."*

IAT response: This is correct.

2 Quite clearly this rule is made for the organisers and not for competitors. Only the organisers can carry this out and competitors cannot. It is impossible that it could be imposed on a competitor. Further, given there was a publicly available source of live tracking data for use by competing teams (Lake Keepit OGN), it is also illogical this local rule would apply to competitors.

IAT response: Factually incorrect and misleading. It is clear that the intention is that nobody except the organisers have access to non-time delayed data such as competitors' positions and climb rates. Again we note that the appellant wants to make this case about OGN and live tracking in general while it really is about whether the use of non-time delayed data from the official tracking system G-Track Live by the AUS team, obtained as described in this document, is to be considered unsporting and if so whether the penalty imposed by the International Jury was correct.

Consideration of the appeal process

We offer this solely to clarify what we believe are the fundamental issues.

1 Was there a breach of the rules imposed upon the Australian Team? If no then allow the Australian appeal.

IAT response: Again, this case is about whether the use of non-time delayed data from the official tracking system G-Track Live by the AUS team, obtained as described in this document, is to be considered unsporting and if so whether the penalty imposed by the International Jury was correct.

2 If yes, then was there any unfair advantage gained by the Australian pilots outside of the rules as a result of that/those breach(es)? If no then allow the Australian appeal.

IAT response: See above.

Our submission to you

We submit that there was no breach of the rules by any member of the Australian team and that the Australian appeal should be allowed. The actions to use live tracking data is a widely adopted practice that has a long history of use in Cat 1 events, without penalty. However, if the IAT decides to the contrary, then we submit that the Australian pilots and its team did not receive any unfair benefit from its actions and therefore no points penalty should apply.

IAT response: See above.

We trust that this letter will be taken in good faith and that we will be provided with the statements and names as requested. We look forward to the IAT's further deliberations.

IAT response: See above. The documents requested will be provided directly to the all appellants.

APPENDIX B4

IAT response to AUS response to Summary of Facts version 1.0

0.1.7. Matthew GAGE: developer of data harvesting and visualization software as well as one of the Australian Team Coaches (here further abbreviated only as "AUS TCo" or "TCo AUS", but it is understood that AUS had more than one Team Coach)

Correction: The software should be referred to as the 'Australian visualization software'. The term harvesting is misleading because it implies the intent of the software was to harvest data. It was not, the intent was to display together published information from a variety of publicly available sources.

IAT response: The software went through the steps of harvesting data from various sources, fuse/combine them and then visualize. The actual intent of the software was to provide information that would enable AUS TPs to outperform their competitors. We will refrain from calling it a decision support system but note that putting data into context raises it to the level of information. The appellant is referred to the website https://examples.yourdictionary.com/difference-between-data-and-information-explained.html for further study of the concept.

In the AUS appeal in appendix 11 the software in question is referred to as "Australian Team Tracking Program".

Decision: in 0.1.7 change to "tracking software" and further refer to section 27.

2. The appeals concern decisions announced on 17 January 2020 by the International Jury to award a penalty of 225 points to each AUS TP.

Omission: The facts regarding the competition organisation and jury decisions and rules relevant to the appeals should be specified up front.

Suggest adding the following:

The decisions taken by the competition organisation were:

"The Decision The use of the data gained illicitly is considered by us to be unsporting behaviour. We believe the pilots were not aware of the illicit nature of the data and so will not be sanctioning the Australian Pilots. The actions available to us is to require the Australian Team Captain to make a public apology to the Organisation, the Team Captains and the IGC. Further to refer the matter to the IGC and GFA. As discussed you have until 2 pm to appeal/protest this decision."

And

"We have considered the complaint received and new information this morning and reviewed our decision. We issue a penalty of 250 pts to each Australian team pilot. CD"

The decisions taken by the International Jury were:
-Rejection of AUS protest against the penalty of 250 points by 2 votes to 1 on the basis of the following rules –
FAI Sporting Code General 6.2.2
Annex A 8.6.5
Annex A 5.4.2
-Rejection of protest by GBR/GER that the 250 points penalty was insufficient and that the team should be disqualified by 2 votes to 1 on the basis of it not being deemed appropriate.

IAT response: Unnecessary. The facts are contained in the document and are as such not disputed by the appellant. The exact placement within the document is irrelevant.

Decision: no change.

2.1. The prescribed time limit is 90 days to receive appeals at FAI, resulting in a dead line for the present case on 16 April 2020.

2.2. Upon request by GBR the CASI Bureau extended the dead line by 30 days.

2.3. FAI received an appeal fee payment of 3 000 EUR on 7 April 2020 from AUS.

2.4. FAI received an appeal fee payment of 3 000 CHF on 17 April 2020 from GER, and on 24 April 2020 from GBR.

2.5. The two appeals (i.e. one from AUS and one joint appeal from GER and GBR) have been considered by FAI submitted within the prescribed time-limit.

Correction: 2.1 to 2.5 should be a separate point to 2 as they do not relate to the decisions being appealed against.

IAT response: Unnecessary. The facts are contained in the document and are as such not disputed by the appellant. The exact placement within the document is irrelevant.

Decision: no change.

5. On 30 December 2019 the first Team Captains' Meeting was held at 7 pm.

5.1. TC LUX asked on item #4 of the Agenda ('OGN - will be on') why access to live tracking will not be possible during the competition as soon as OGN will be on.

5.2. The request was been supported by TC ITA and TC USA.

Factually incorrect: There is no record of meeting minutes and the recollection stated here is disputable. It is questionable as to whether the request was made for access. The AUS TC recollection is that the request was made for the continued display of un-delayed tracking.

Discussion about continuation of the organisation's display of un-delayed tracking during the competition is not relevant to the appeal.

Suggest that this be removed.

IAT response: Improper use of the phrase "factually incorrect" to object to something on the basis the AUS TC's recollection as opposed to the recollection of several witnesses. The IAT understand "access to live tracking" as "live tracking being available for use". The appellant is referred to https://www.lexico.com/definition/access

5.3. The CD explained that it had taken many months to get the LP approved and that the IGC promoted the philosophy of a 15 min delay.

5.4. The CD concluded the discussion pointing that rules must be followed as they are written, and therefore she cannot give access to un-delayed live tracking.

Omission: This clause on its own implies the 15 minute delay specified in LP 4.1.1.c is relevant to the access and use of live tracking data by pilots when in fact the LP rules to be followed applied to the competition organisation's display of flight records. Also, "At the time of the WWGC 2019 in January 2020, there were no rules in effect prohibiting the use of legally obtained real time tracking data by pilots." – see 25.4.4. in this document.

IAT response: The appellant's slightly different interpretation is noted but not shared by the IAT.

Decision: change "legally obtained" to "authorised".

Omission: The paraphrasing of the rule by the CD distorts the meaning of the rule 4.1.1.c by suggesting that it relates to access and use by participating teams rather than display by the organisation.

To provide context to this clause, suggest that: the rule which refers to the 15minute delay to the organisation's display should be included in full.

"4.1.1.c Carriage of GNSS data transmitters for public displays

The organizers will require competing sailplanes to carry GNSS data transmitters to enable the public display of GNSS flight records during competition flights. 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."

IAT response: This IAT is fully aware of the rules, including the LP. There is no need to duplicate elsewhere published rules in this document.

Decision: no change.

6. A daily briefing for TPs, TCs, crew, volunteers and officials was held on every official practice day (31 December 2019 to 2 January 2020).

6.1. At the briefing held on 2 January at 10 am, TC ITA asked again if it was possible to get access the un-delayed live tracking during the competition.

Factually incorrect and not relevant: As for point 5.1, there is no record of what was said and the recollection stated here is disputed. The Australian NAC questions that the request was made for access. The AUS TC recollection is that the request was made for the continued display of un-delayed tracking.

Discussion about continuation of the organisation's display of un-delayed tracking during the competition is not relevant to the appeal.

suggest that this be removed.

IAT response: See above.

Decision: no change.

6.2. The CD confirmed that the 15 minutes delay must be applied according to the approved LP.

Omission: The paraphrasing of the rule by the CD distorts the meaning of the rule 4.1.1.c by suggesting that it relates to access and use by participating teams rather than display by the organisation. **To provide context this statement, suggest that:** rule 4.1.1.c which refers to the 15 minute delay for the organisation's display should be included in full.

IAT response: See above.

Decision: no change.

7. Throughout the competition the question of the AUS team having an unknown source of detailed live data was raised several times.

7.1. Already in the beginning of the WWGC G-Track Live SysAd asked AUS TCo about the source of their detailed information and received the reply that this cannot be shared at the time but will be explained at the end of the competition.

7.1.1. TC AUS states that also he had been approached with the same question by SysAd and responded the same way as TCo AUS.

7.2. During the second contest week TC LUX asked one AUS crew member about the source of their detailed data and was told it was all legal and publicly available (see 28).

7.3. Ground team GBR monitored the AUS radio channel throughout the whole event and was unable to comprehend the source of the detailed information.

7.3.1. In a related discussion between TC GBR and G-Track Live SysAd the latter was at the time firmly convinced that the source of the AUS information couldn't be G-Track Live.

7.3.2. Some days before the end of the competition TC GBR raised this issue of an unknown AUS source of live tracking data with CS which did not respond verbally to TC GBR but had an internal discussion with CD and DCD about it.

7.3.3. At the time CS, CD and DCD reasoned that team AUS got the information via private antennas in the competition area.

7.3.4. Having received no official response TC GBR pursued the matter no further at that time.

Not relevant: "At the time of the WWGC 2019 in January 2020, there were no rules in effect prohibiting the use of legally obtained real time tracking data by pilots." – see 25.4.4. in this document. The use of real time tracking data from G-Track Live or any other source could be used by participating teams. So discussion about observing the use of live tracking data is not relevant.

The points made in section 7 have no bearing on the appeal and has the effect of unfairly casting doubt on the AUS team intentions. Speculation and hearsay that occurred about the source of the real time tracking data used by the AUS team is not relevant because the access and use of the data was in accordance with the rules.
Suggest that point 7 be removed.

IAT response: The appellant's unease about facts the IAT considers to be relevant background information is noted but not shared by the IAT.

Decision: no change.

8. On 15 January 2020: CS asked TC AUS about the source of their information.

Factually incorrect: TC AUS has no recollection of this discussion. The first discussion on this topic was on the evening of the 16 January. When formally asked about the data TC AUS advised that we were using G-Track Live.
Suggest that this be removed.

IAT response: Improper use of the phrase "factually incorrect" to object to something on the basis the AUS TC's recollection as opposed to the recollection of other witnesses.

Decision: no change.

8.1. TC AUS responded that they got it from the internet and that it was publicly available, but was otherwise vague about it.

Factually incorrect: This statement insinuates that the TC AUS was being underhanded.
Suggest that the statement "but was otherwise vague about it" **be removed.**

IAT response: Improper use of the phrase "factually incorrect". We refer to the transcript of the AUS hearing where AUS TC Terry Cubley beginning at time mark 01:56:21 states "*I didn't think it was appropriate to go and raise that with the organisers about the fact that we're accessing data. They,*

Jacques Graells, for example, asking "Now, where are you getting your information?" and I said "Jacques, I'm quite happy to explain that at the end, but I'm not going to explain it now." "

Decision: no change.

8.2. At that time TC AUS did not yet advise that TCo AUS had achieved access to G-Track Live (see 11.3).

Not relevant: The TC AUS was not asked if AUS had access to G-Track Live, but it was revealed when the TC AUS was formally asked the next day. Australia's data source was in accordance with the rules – the use of live tracking data was not prohibited. Refer to 25.4.4. in this document. This statement insinuates that the TC AUS was being underhanded and is therefore misleading.
Suggest that this be removed.

IAT response: See above.

Decision: no change.

11.3.2. At that time the TC AUS only advised that the access had been achieved but did not explain how.

Factually incorrect: The statement *"had found the live data freely available, without password protection, on the competition tracking web site"* explains how the data was accessed.
Not relevant: The use of live tracking data was permitted so this is not relevant. Refer to 25.4.4. in this document. In addition, this statement insinuates that the TC AUS was being underhanded which is misleading.
Suggest that this be removed.

IAT response: Improper use of the phrase "factually incorrect". Otherwise: see previous replies above.

Decision: no change.

11.3.3. TC AUS did not mention that their software was able to visualise the location of all competing gliders in a map together with other data of interest, like competitors' climb rates, weather observations and predictions.

Factually incorrect: According to the AUS TC "When questioned by the CD, DCD and steward, I explained that we had accessed the G-Track Live data and displayed this with weather and other information.".

IAT response: This recollection of the AUS TC is in contradiction to the recollection of CD, DCD and JP.

Decision: no change.

Not relevant: The use of the visualisation system and the published data used by it was not against the rules, so this is not relevant. Refer to 25.4.4. in this document. Also, this statement insinuates that the TC AUS was being underhanded. In addition, all live tracking sites provide this level of detail, it is not specific to the Australian display, so why would this be mentioned? See OGN, Flightradar24 etc which provide this information on location and climb rates etc.
Suggest that this be removed.

IAT response: The appellant's unease about facts the IAT considers to be relevant is noted but not shared by the IAT.

Decision: no change.

13.2.1. The DCD stated that Australia had gained unauthorised access to and used the live tracking data.

Factually incorrect: The DCD stated that the AUS team had illicitly gained access, and the CD said that hacking had been reported.
Suggest that: 'gained unauthorised access' be replaced with *'gained illicit access'* as this was the basis of the decision of the penalty being applied.

IAT response: See 13.4 and 13.2.2.

Decision: no change.

13.2.4. He addressed (but not formally apologised to) the other TCs and stated that he was sorry that there was a misunderstanding about the AUS team's actions but expressed that Australia had not hacked or accessed the data illicitly.

Omission: **Suggest that:** the words *"[as had been 'alleged' by the competition organisation]"* should be added to the end of this sentence in 13.2.4 so it is clear that the suggestion of hacking or illicit access to data came from the organisation and not the TC AUS.

IAT response: This is understood when reading the document.

Decision: no change.

13.2.5. Reportedly TC AUS stated either *"We believe that we have done nothing wrong"* or *"I am sorry that you thought we had done the wrong thing but we*

Omission: The AUS TC was asked to make an apology at the TCs meeting as part of the initial penalty.
Suggest that the above statement be added.

IAT response: The initial penalty was superseded, which is understood when reading the document.

Decision: no change.

13.3. The CD states that the only time the word *"illicit"* was used in official communication was in a single WhatsApp message right after this meeting (See message in item 14 below). Afterwards it was agreed to use the term *"unauthorised"*.

Omission: The official communication in which the term 'illicit' was used, was to convey the reason for the penalty. It is a significant omission not to mention this in this statement.

IAT response: This is understood when reading the document.

Decision: no change.

Factually incorrect: The published penalty using the word 'illicit' was also posted on the notice board. The statement above implies that the word 'illicit' was infrequently used, whereas it was used frequently, for example it was copied in the complaint from the TCs and used informally throughout discussions. In addition, the second harsher penalty was based on the message that included the word 'illicit'.

Suggest that the following be added:
The CD states that "the only time the word *"illicit"* was used in official communication was in a single WhatsApp message right after this meeting (See message in item 14 below). Afterwards it was agreed to use the term *"unauthorised"".* The term 'illicit' was also used in the official announcement of the penalty which was then carried forward to the complaint by the team captains and to the second penalty.

IAT response: Both messages are considered to be one and the same communication yet in different media. However, it is apparent that the term "illicit" was subsequently used at several times.

Decision: change to "official communication from the competition organiser" in 13.4 and add subsections 13.4.1 and 13.4.2 with further explanations following above suggestion.

15.3. Like TC AUS before, also TCo AUS did not mention that the software he developed was able to visualise the location of all competing gliders in a map together with other data of interest, like competitors' climb rates, weather observations and predictions.

Not relevant: The use of live tracking data was permitted so this is not relevant. Also, this statement insinuates that the TCo AUS was being underhanded by withholding information. The public OGN live tracking data also provided location and climb rates, as do many other live tracking sites. At no time was AUS asked what type of software was being used to display the data. Given that the use of the software was in accordance with the rules, it would not have occurred to anyone to mention to the organisation what it displayed, unless specifically asked, see 24.4.4.
Suggest that this be removed.

IAT response: The appellant's unease about facts the IAT considers to be relevant is noted but not shared by the IAT.

Decision: no change.

21. Protest from TC AUS

21.1. The protest requested to remove the penalty arguing that the actions of the AUS team were not unsporting and that the AUS TPs did not gain an unfair benefit.

21.2. Around 5:50 pm, the JP met the TC AUS and AUS TP Lisa TURNER.

Omission: An additional point of the AUS protest was that there had been no breach of the rules and information was obtained legally.

Suggest that the following key point from the AUS protest be added:
There had been no breach of the rules and information was obtained legally.

IAT response: Section 21.1 updated according to suggestion above.

21.4. The JP states on the contrary that she didn't ignore his explanation of rules and how the data have been obtained. According to her the JP listened to the explanations of the TC AUS, covering that the data gathered from G-Track Live were legally obtained, open to everyone. He further explained according to JP that *"in Australia we are not so familiar with the OGN System therefore we preferred to use G-Track Live system. The Europeans are highly experienced in using OGN for tracking the competitors and they always used it in competitions were we participated and sent tracking information etc. to their teams. We were upset about their advantages. Here in Lake Keepit the other Teams use OGN and Private OGN* (but couldn't tell which Teams). *They are able to obtain the same tracking data as we do from G-Track The web site monitor is not password protected, it is open to everyone, so we used it, no illicit actions, everything is legal."*

Factually incorrect: The AUS TC has been misquoted. **Suggest:** to correct the quotation: replace the sentence "*Here in Lake Keepit the other Teams use OGN and Private OGN* (but couldn't tell which Teams)." *with* "Here in Lake Keepit *it was allowed to* use OGN and Private OGN." This is more correct because the AUS TC was referring to the use of live tracking data being in accordance with the rules. Refer to 25.4.4. in this document.
Not relevant: (but couldn't tell which Teams) This was not said by the AUS TC and is not relevant because Private OGN was permitted.

IAT response: Improper use of the phrase "factually incorrect" to object to something on the basis the AUS TC's recollection as opposed to the recollection of another witness. Also, from the text style changing from italics to plain it is apparent that "(but couldn't tell which Teams)" is not a quote by AUS TC but an observation added by the JP.

Decision: Added section 21.4.1 with the AUS TC's alternate recollection.

21.5. The JP expressed to the TC AUS that the developer of the G-Track Live system and SysAd had a different view on this matter. He had explained the situation in writing to the Jury members.

Not relevant: The different view of the SysAd is not specified.
Australia has not been provided with evidence to support the views expressed by the developer of the G Track Live system. It is procedurally unfair to include unsupported statements or evidence which has not been supplied to all parties.
Suggest that if the different view on the matter is not specified and evidence to support this statement cannot be provided, it be removed.

IAT response: The appellant's unease about facts the IAT considers to be relevant is noted but not shared by the IAT. The requested documents have now been provided to all appellants.

Decision: no change.

21.7. The JP advised the TC AUS that Australia had broken the 15 minutes requirement in LP section 4.1.1.c "Carriage of GNSS data transmitters for public displays".

Omission: The paraphrasing of the rule by the JP distorts the meaning of the rule 4.1.1.c by suggesting that it relates to access and use by participating teams rather than display by the organisation. **To provide context for this statement, suggest that:** the rule which refers to the 15 minute delay to the organisation's display should be included in full.

IAT response: This IAT is fully aware of the rules, including the LP. There is no need to duplicate elsewhere published rules in this document.

Decision: no change.

21.8. The AUS protest was rejected by 2 votes to 1. The Jury reply mentions that *"Taking the appropriate rules into account, we (Jury) decided to award 25 points penalty each competition day for each Australian pilot."*

Omission: the appropriate rules taken into account were not specified.

- The appropriate rules referred to by the Jury were –

FAI Sporting Code General 6.2.2
Annex A 8.6.5
Annex A 5.4.2

Suggest that the rules referred above be specified.

IAT response: According to JP the Jury considered rules in addition to what the appellant specifies above.

Decision: added sections 21.8.1 and 21.8.2 with more information.

23.3. The NZL Jury member couldn't be reached within the timeframe available but supported the communication of the decision in writing at a later time.

Factually incorrect: The NZL Jury member was reached within the timeframe by email but there was no discussion within the Jury.

This statement implies that the NZL Jury member supported the decision which is not a fact. Email evidence from the NZL Jury member gives an accurate summary of his decisions and communication between Jury members.

Recommend that this statement be corrected to say: The NZL Jury member was reached within the timeframe available *and, although he disagreed with the decision, he* supported the communication of the decision in writing at a later time. In addition, the facts included in the NZL Jury member's email should be included in this document.

IAT response: The dissenting view of the NZL Jury member is already part of the records.

Decision: update section 23.3 to: "The NZL Jury member couldn't be reached until approximately an hour before the deadline. Although disagreeing with some details, among others the level of the penalty and requesting to let his dissenting view be a matter of record he nevertheless supported the communication of the decision in writing at a later time."

23.4. The Jury did not invite any of the protesting parties to a meeting in order to represent their respective case in person.

Omissions:

1. The two remote jury members were not available on the final day of competition to hear any protests arising from the last day of competition, and they were not invited to take part in a final Jury meeting to discuss the issues and confirm the results.
2. No valid meeting of the International Jury took place. A Quorum was not formed.
3. The Jury members did not discuss the differing views together, which compromised the decision making of the Jury.
4. The Jury did not hear both sides of the dispute as required by the rules and, only an informal conversation was held by the Jury President with the Australian Team Captain with no other Jurors participating. The Polish jury member had a long conversation with Jacques Graells but did not discuss any points with the Australian Team Captain.
5. There was no agreement by Jury members to the final decision before the award ceremony and the final decision occurred two days later with one Jury member not agreeing.

See comments from the NZL Jury member provided with the letter sent with the SoF.
Suggest these facts be added to 23.4

IAT response: It is acknowledged in 23.8 (previously 23.7.1) that proper process was not followed.

Decision: Added section 23.1.1: None of the two remote Jury members participated in a final Jury meeting.

23.7.1. All Jury members state that not having followed due process is highly regrettable yet that this had no impact on the decision as such. All agree that the situation was clear to them and had been discussed prior to the decision been communicated by the JP.

Factually incorrect: This is an opinion that is disputed. The JP did not contact NZL Jury member after his email which disagreed with the penalty that was sent to her three hours prior to the award ceremony, prior to the results being announced. The NZL Jury member did not get confirmation of the penalty decision for a further two days. He made a request to record his dissenting view.
See comments from the NZL Jury member provided with the letter sent with the SoF.
Suggest that all the above statement be added to this document.

IAT response: See above.

Decision: change “All Jury members” to “Two Jury members (JP and POL Jury member)” and further refer to 23.3 for the dissenting view of the NZL Jury member.

24.4. During the WWGC at Lake Keepit the combined 3G/4G network covered essentially the complete competition area (figure provided by mobile network operator Telstra):

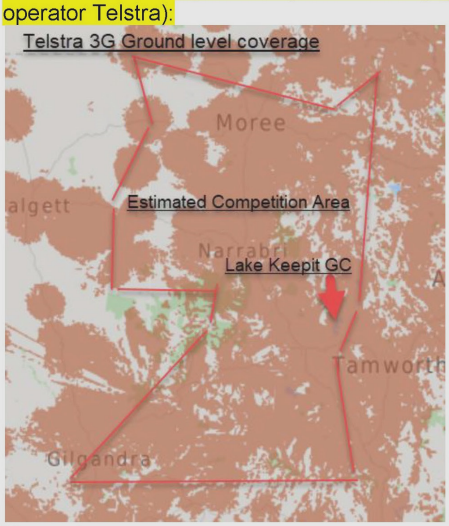


Figure 1

Factually incorrect: In Australia, due to there being large unpopulated areas, there is a low number of towers across the task area. As a result, little or no reception is common across large areas. There were numerous places where the 3G/4G network dropped out, leaving significant gaps in the display. Data gathered by the Australian Government for their Mobile Black Spot Program shows that mobile reception in the task area is patchy. A black spot is an area where mobile reception is not available or regularly drops out.

The map in Figure 1 is sourced from a telecommunications company and is known to overstate coverage. The Telstra map might show desired coverage but the experience of mobile users is that the coverage is much less, as the black spot data shows.

A more accurate indication of coverage can be gathered by taking into account black spots as mapped by the Australian Government. The map can be found at this link:

https://nationalmap.gov.au/#share=s-qmYEiDx3gp6CmV9gfGZRxw4aqmV

IAT response: Thank you for this additional information.

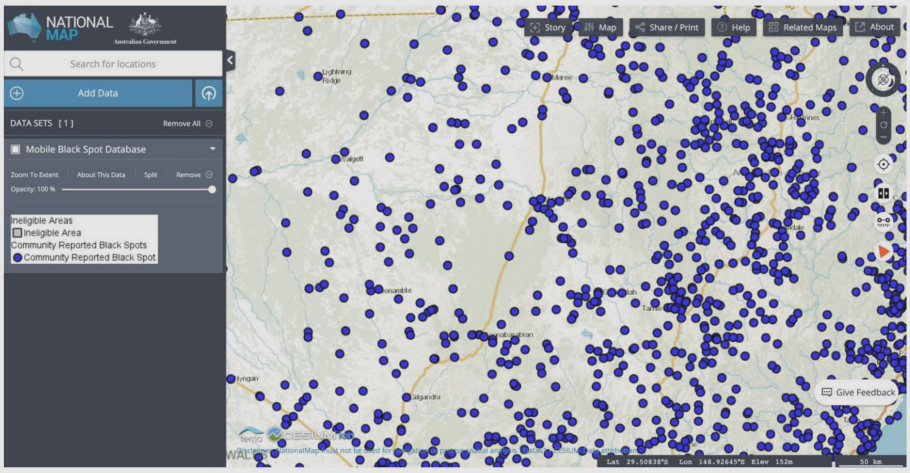
Decision: added figure with source URL and text in section 24.4.1: “However, throughout this area there are also blackspots without 3G/4G coverage as reported by local communities. On the other hand, the amount of data transmitted by G-Track Live is very small, thus “no service” for sustained voice communication does not necessarily mean “no service” for the tiny data packages of G-Track Live.”

Factually incorrect: Without clarification, this statement implies that the AUS pilots had access to data for the complete competition area which is untrue. The extent of access to information radio transmissions which were limited by radio range.

Suggest that:

The following statement be added "The information being passed on to pilots was limited to the radio range which covers a significantly smaller area than that shown in Figure 1."

And
Correct the statement in 24.4 as follows: "During the WWGC at Lake Keepit the combined 3G/4G network unreliably covered a portion of the competition area".



IAT response: Improper use of the term "factually incorrect". As replied previously, the fact that voice radio did not cover the whole competition area is at best irrelevant, more likely misleading as radio messages can also be relayed from glider to glider. In any case, this limitation applied to all pilots equally.

Decision: no change. Unreliable 3G/4G coverage is now mentioned in section 24.4.1.

24.7.1.1. As required in the WWGC 2019 LP section 4.1.1.c, a 15 minutes time delay had been applied from the first competition day (but not for the practice days before the competition) to all data displayed on this general interface.

Factually incorrect: The LP rule 4.1.1.c requires a 15 minute time delay to the public display, not to all data displayed.
Suggest that the rule is written in full or that the word 'all data displayed' is replaced with 'public display'.

IAT response: Improper use of the term "factually incorrect". This IAT is fully aware of the rules, including the LP. There is no need to duplicate elsewhere published rules in this document.

Decision: no change.

25.3.2. Another advantage arises from the possibility of "rogue OGN stations" that do not honour NoTracking requests (see 26).

25.3.3. There has never been proof of any team having deployed "private OGN stations" in an international gliding competition.

Incorrect: Use of the word "rogue" is incorrect, suggestive of illegality, and misleading.
Not relevant: It is not necessary to prove use of private OGN if it is permitted. Refer to 25.4.4. in this document. In addition, this is misleading. It implies that private OGN has not been used by teams in previous championships, which is incorrect, see: https://www.youtube.com/watch?v=q4p6UoA5gzg (see at approximately 7 minutes in).
Suggest that "rogue" be removed and 25.3.3 is removed

IAT response: On the contrary, the term "rogue" is precisely applicable as we want to differ between "private" OGN receivers and "rogue" ones, with the former not be feeding data to public OGN but nevertheless obeying the rules such as honouring the Notrack flag, which the latter may not.

The video referenced in above URL does in no way show the use of a "rogue" or a even a "private" OGN. Around 8:50 it documents that request of a pilot to check OGN, most likelty public OGN as available to everyone.

Decision: no change.

25.4. The IGC have over the years discussed rules to prevent the use of tracking data.

Omission: This sentence does not adequately summarise the facts relating to rule discussions.

"Despite this, the IGC were unable to reach agreement on rules to prevent the use of tracking data. The February 2018 IGC plenary meeting discussed the use of real time tracking and did not resolve the issue. The 2019 IGC plenary meeting proposed two rules (from Germany and UK which were designed to prohibit live tracking). These were removed from the 2019 draft edition of the rules by the IGC Bureau prior to the 10th WWGC. The new version of the rules was issued on 7 October 2019. At the time of the WWGC in 2020, there were no rules prohibiting the use of real time tracking data by pilots. Refer to 25.4.4. in this document."
Refer also to attachment of email from the NZL Jury member.
For completeness, suggest that the above statement be added after the current statement in 25.4.

IAT response: Two of this IAT's members are IGC delegates from their respective NAC and have been present at the IGC plenary meetings concerned. In addition, subsections to 25.4 give an exhaustive list of all initiatives and proposals concerning live tracking. The email of the NZL Jury member does not add anything of substance.

Decision: no change.