

GENERAL INFORMATION - OCTA FINALS

Background -

Ms. Yovika Bobovic is a 31-year-old Serbian Tennis player and she has been ranked as the No.1 Women Player since the past 7 years. Her sheer dominance in Tennis has been a revelation in the world of sports and her technical ability along with longevity in women's tennis has gained her admirers and supporters from all over the globe. Ms. Bobovic has won the greatest number of Grand Slam Titles in the history of Women's Tennis and has won a whopping 20 Grand Slam's across her career. Her charisma and electricity, both on and off field, has helped her garner several commercial sponsorships and tie ups which have in turn made her the richest women athlete in the world and a global superstar of sport. There exists a huge gap between Ms. Bobovic and her competitors because of which, she has now become the face of Women's Tennis across the globe.

The Australian Open (which terms or expressions shall where the context so requires or admits mean and include their Organising Committee and other officials) is one of the most highly decorated Grand Slams across the global spectrum. For Tennis players, the Australian Open is one of the toughest and the most prestigious sporting event. This year, Ms. Bobovic was training harder than ever and was looking to win her 21st grand Slam title at the Australian Open. However, her efforts took a big hit when the tournament organisers, in a tie-up with the Australian Government, released a strongly worded advisory for all participants and their coaching staff to be vaccinated against COVID-19.

It has been a known fact to the sporting fraternity, the media and the fans that Ms. Bobovic has been against the COVID-19 vaccination due to the uncertainty of any possible side effects that the vaccine might entail, which she believes might subsequently harm her health and along with that, her career as well. Therefore, this scenario posed a great dilemma for Ms. Bobovic as she faced a challenge to merely participate in the Australian Open due to her vocality for not being vaccinated against COVID-19.

Over the summer of 2021, the **Australian Health Minister (AHM)** was a global ambassador for the COVID-19 vaccine and had strongly encouraged the Australian citizens and people across the globe to get the vaccinated against COVID-19. There have also been ongoing rumours and subsequent reports pertaining to the AHM's vaccine centric approach wherein it was believed that a cousin of the AHM was the Chief Financial Officer (CFO) of Kizer Pharmaceuticals Private Limited, who are one of the leading global producers and distributors of the Kizer Covid-19 Vaccine.

It is on the account of Ms. Bobovic's fan following, reputation and everything that her participation brings and her absence evaporates, that she was permitted and thereby allowed by the Australian Open to play the tournament without being vaccinated. The people of Australia and the tournament sponsors were handed a major boost by this piece of news as Ms. Bobovic's participation in her favourite tournament was a sight to behold for her fans and the commercially inclined as well. However, and inexplicably, the permission given to Ms. Bobovic was revoked by the Australian Open 4 weeks before the commencement of the Australian Open, which rendered her participation and practice useless. Such revocation of her permission sent a shockwave through her fans, the organisers and sponsors of the Australian Open and the entirety of the sporting fraternity as well. This decision shocked Ms. Bobovic to the core and understandably had her perplexed and agitated due to the flip-flop behaviour of the concerned authorities.

The weeks following this, entailed a series of meetings between Ms. Bobovic and the Australian Open, aimed at discovering various possible solutions, which included a broader plan for the Australian Open and the Australian Government going forward. The AHM had been desperate to impose an authoritative stamp across the Australian Open and set a landmark precedent that could withstand changing personnel and formed part of a standard and undisputable practice, wherein no one could escape the rules and regulations laid down by the Australian Government regardless of their stature and wealth. Looking at the governing models created around the world by well-governed and citizen centric countries, the AHM has been further adamant that the sporting fraternity in large shall take up greater responsibility and role educating the youth and others over the world about the importance of vaccination.

Dispute -

After a course of three long weeks and multiple back and forth between Ms. Bobovic and the Australian Open, things did not seem to move forward as Ms. Bobovic refused the Australian Open's request for accepting the vaccine whereas, the Australian Open did not take a step back in allowing any leniency to Ms. Bobovic pertaining to the issue at hand. In light of this standoff between the two, the AHM moved forward and merely 8 days before the start of the tournament, decided to refuse the grant of access to Ms. Bobovic into the country of Australia by revoking her visa access to Australia, thereby making her ineligible to even enter the country.

Ms. Bobovic did not hold back in her media interviews. Her sheer frustration and anger were captured through several public interviews, wherein she spearheaded into the alleged "*arbitrary and non-sensical*" behaviour of the Australian Open. Ms. Bobovic claimed that she was being purposely targeted by the Australian Government and the Australian Open because of her vocality against the COVID-19 vaccine. The media reports and the sharp words of Ms. Bobovic did numerous

rounds in magazines, newspapers and broadcasters across the world which did not help her public image and led to a subsequent damage in her image and her commercials deals thereof.

Infuriated by this arbitrary behaviour of the AHM, Ms. Bobovic contacted the Australian Open and informed them that since having a COVID-19 vaccine was never a prior mandate issued by the Australian Open and the Australian Government, such sudden, abrupt and arbitral decision made by the AHM, and the Australian Open did not allow Ms. Bobovic enough time to weigh her choices and make an informed and calculated decision. Therefore, in light of the same, Ms. Bobovic filed a case against the Australian Open in the Federal Court of Australia and sued them for a deliberate attempt to sabotage her playing career and refusing her the right to freely practice her profession. Due to proximity of the commencement of the Australian Open, The Federal Court of Australia sent the parties to Mediation in order to speedily arrive at a mutual solution.