



## Rowing Australia Limited

# 2012 Senior A Australian National Rowing Team and 2012 Australian Olympic Team Nominations

NOTE: Irrespective of any references to Senior A selection in previous or other Rowing Australia Selection Policies, all Athletes nominating for consideration for selection to the 2012 Senior A Australian National Rowing Team and for nomination to the Australian Olympic Committee as a member of the 2012 Australian Olympic Team (***the 2012 Senior A National Team***) undertake and agree (upon signing the RA 2012 Senior A Nomination Form and the AOC Consent to Shadow Team Membership Form) to abide and be bound by this 2012 Selection Policy Handbook.

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## 2012 Selection Policy Handbook

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Check the Rowing Australia website at: [www.rowingaustralia.com.au](http://www.rowingaustralia.com.au) for important notifications and announcements, including:

- Olympic Games, World Championship and International Regatta Supplements
- Latest notifications and announcements under and amendments to the 2012 Selection Policy Handbook

# Rowing Australia 2012 Selection Policy Handbook - Senior A Australian National Rowing Team and Australian Olympic Team Nominations

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## ROWING AUSTRALIA LIMITED

### 2012 SELECTION POLICY HANDBOOK

(incorporating amendments to 9 November 2011)

PLEASE READ THIS DOCUMENT CAREFULLY AND TAKE NOTE OF ITS CONTENTS  
CHECK THE ROWING AUSTRALIA WEBSITE FOR UPDATES, AMENDMENTS, SUPPLEMENTS AND NOTIFICATIONS

THIS IS AN IMPORTANT DOCUMENT IF YOU ARE SEEKING SELECTION IN NATIONAL TEAMS LEADING UP TO AND INCLUDING THE 2012 OLYMPIC GAMES

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## PART 1 Introduction and Participation in National Selection

Important Note: Certain words and expressions, where used in this 2012 Selection Policy Handbook have a defined meaning, particular to this document. Please refer to Part 8 – Interpretation for the meaning of the defined words.

### 1.1 Vision and Objective

- 1.1.1 The vision of the RA High Performance Program is to have the most successful international program in world rowing.
- 1.1.2 The objective of the 2012 Selection Policy Handbook is to provide a framework that underpins the vision by selecting the Athletes and the boats that will give Australia the best chance of winning 3 Gold Medals at the London 2012 Olympic Games.
- 1.1.3 Athletes seeking selection to the Non-Olympic Senior A, U23, Junior or University Australian National Rowing Teams should refer to the document titled: "Rowing Australia Limited – Australian National Rowing Team: Selection Policy - 2010-2012".

### 1.2 Application

The 2012 Selection Policy Handbook applies to all Athletes and Coaches who nominate for selection or participation in the 2012 Senior A National Team and consideration for nomination to the 2012 Australian Olympic Team and also those who are members of the 2012 Senior A National Team, all of whom shall be included in the expression "Participants".

### 1.3 Nomination and Documentation

- 1.3.1 All Participants wishing to be considered for selection in the 2012 Senior A National Team must complete and return the following documentation to the Operations and Logistics Manager at RA in the manner stipulated in Note 1 of the Event Requirements and by the relevant due dates:
  - (a) RA 2012 Senior A Nomination Form (Notification) (See [www.rowingaustralia.com.au](http://www.rowingaustralia.com.au) for further details) by 28 October 2011; and
  - (b) 2012 Senior A Nomination Form (Terms and Conditions) (**Attachment 2**) by 14 December 2011.

The CEO in consultation with the National High Performance Director may accept in the CEO's sole discretion a completed RA 2012 Senior A Nomination Form after the specified date or time.

1.3.2 All Participants wishing to be included in the Shadow Team and considered for nomination to the AOC for selection in the 2012 Australian Olympic Team must complete and return the following documentation (as relevant) to the Operations and Logistics Manager at RA:

- (a) AOC 2012 Consent to Shadow Team Membership Form and in the case of minors, the Parents/Guardians Acknowledgement for Minors Form (Attachment 1) by 14 December 2011;
- (b) AOC 2012 Australian Olympic Team Agreement (to be distributed and to be signed prior to 19 June 2012); and
- (c) the Athlete Nomination Form (as issued by the AOC from time to time).

The CEO in consultation with the National High Performance Director may accept in the CEO's sole discretion completed AOC documentation after the specified date or time, provided however that all documentation must be received prior to inclusion in the Shadow Team or nomination to the AOC (as relevant).

1.3.3 In addition to paragraphs 1.3.1 and 1.3.2, the Participant must also sign and return to RA any further applications, Athlete Agreements, consents or nomination forms required from time to time by RA, the AOC and/or the Event Governing Body.

### 1.4 Participation Undertaking and Requirements

1.4.1 By signing the RA 2012 Senior A Nomination Form for an Event and AOC 2012 Consent to Shadow Team Membership Form, each Participant undertakes and agrees to abide and be bound by the terms and requirements of:

- (a) those forms;
- (b) this Rowing Australia 2012 Selection Policy Handbook (including the requirements and provisions of any annexures, the Event Requirements (**Attachment 5**) and the Appeals Policy (**Attachment 6**));
- (c) the RA Policies and Codes of Conduct;
- (d) the policies and by-laws of the Event Governing Body;
- (e) the requirements of the World Anti-Doping Agency and the Australian Sports Anti-Doping Authority; and
- (f) the Athletes Agreement(s) (if any) applicable to the Event. RA shall publish on the RA Website the Athletes Agreement (if any) applicable to Events for seasons 2011 and following, with publication to be made on or prior to the nomination date for the relevant Event.

1.4.2 A Participant also agrees to be bound by any additional or amended requirements of RA or the Event Governing Body as notified in writing from time to time by publication or notification in accordance with Part 7 of this 2012 Selection Policy Handbook.

1.4.3 The 2012 Selection Policy Handbook includes the requirements and provisions of the attachments listed in Part 9.

1.4.4 In addition to the RA Olympic Nomination Criteria (refer to Part 4 of this 2012 Selection Policy Handbook), each Participant must satisfy and continue to satisfy the other requirements specified in this 2012 Selection Policy Handbook (in particular, the undertakings and requirements in paragraphs 1.4.1, 1.4.5 and 1.4.6) and the 2011-2012 Event Requirements. RA may notify a Participant or Participants of any failure to meet such requirements, and any

Participant so notified must demonstrate in writing to RA's satisfaction that he or she has met and continues to meet all required requirements. If after giving written notification RA is not satisfied then RA may remove the Participant or Participants from consideration for selection to the National Team or (if applicable) from the National Team itself.

Without limitation, the requirements may include the following:

- (a) whether the Athlete is a registered financial member of a rowing club affiliated with a Member Association;
- (b) adherence to the RA Policies and Codes of Conduct;
- (c) completion of all documentation including execution of the Athlete Agreement;
- (d) for nomination to coach a Senior A crew, whether the Coach has or is achieving progress towards a level of accreditation specified as a requirement by RA;
- (e) obtaining a clearance by relevant State and Federal authorities as a person suitable to work with children; and
- (f) weight management requirements for Lightweight Athletes.

1.4.5 By signing the RA 2012 Senior A Nomination Form for an Event, each Participant further undertakes and acknowledges as follows:

- (a) the Participant has not at any time engaged in conduct (whether publicly known or not and whether before or after the date of selection), which brings or would have the tendency to bring the Participant or rowing into disrepute or censure, or which is or would be inconsistent with, contrary to or prejudicial to the best interests, image or values of RA, or as a result of which the Participant's membership would not be in the best interests of the National Team;
- (b) the Participant has not been convicted of, or charged with, any serious offence involving violence, alcohol or drugs, or any sex offence, or any offence relating to any betting or gambling activities on sport, or any offence which is punishable by imprisonment; and
- (c) the Participant has and will continue to honestly and fully disclose information to RA concerning any conduct that might be in breach of (a) or (b) above or concerning any criminal offence of whatever nature, with which the Participant has been charged, or of which the Participant has been convicted, and consents to RA making enquiries to relevant authorities for any details of the Participant's criminal record (if any), including details of any charges pending or any spent convictions disclosable by law, and consents to those authorities providing that information in answer to those enquiries.

1.4.6 To remain eligible for selection or continue as a member of the National Team, each Participant undertakes and acknowledges as follows:

- (a) the Participant will not engage in conduct (whether publicly known or not), which brings or may have the tendency to bring the Participant or rowing into disrepute or censure, or which would be inconsistent with, contrary to or prejudicial to the best interests, image or values of RA, or as a result of which the Participant's membership would not be in the best interests of the National Team;
- (b) without limiting the foregoing, the Participant will not engage in any conduct which could lead to or result in the Participant being convicted of, or charged with, any serious offence involving alcohol or drugs, or any sex offence, or any offence which is punishable by imprisonment; and
- (c) the Participant will continue to honestly and fully disclose information to RA concerning any conduct that might be in breach of (a) or (b) above or concerning any criminal

offence of whatever nature, with which the Participant has been charged, or of which the Participant has been convicted, and consents to RA making enquiries to relevant authorities for any details of the Participant's criminal record (if any), including details of any charges pending or any spent convictions disclosable by law, and consents to those authorities providing that information in answer to those enquiries.

- 1.4.7 Each Participant acknowledges that any matter arising under paragraphs 1.4.5 or 1.4.6 above is to be determined, or breach thereof excused, by RA in its sole and absolute discretion.
- 1.4.8 Notwithstanding the foregoing, in relation to the Shadow Team and the 2012 Australian Olympic Team, the AOC has the sole and absolute discretion to determine whether an Athlete meets the standards of behaviour and conduct required by the AOC including under the Consent to Shadow Team Membership Form, the AOC Olympic Team Selection By-Law, the AOC Selection Criteria, and the 2012 Australian Olympic Team Membership Agreement.
- 1.4.9 If the AOC determines that an Athlete is ineligible for selection by the AOC, then RA may with immediate effect remove the Athlete or Athletes from consideration for selection to the National team or (if applicable) from the National Team itself, without needing to comply with the notice requirements in paragraph 1.4.4.

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## PART 2 Selection Overview

### 2.1 Standards

All Participants seeking selection to the 2012 Senior A National Team and 2012 Australian Olympic Team must satisfy the requirements set out in the Rowing Australia 2012 Selection Policy Handbook including the 2011-2012 Event Requirements. Athletes seeking nomination and selection agree to abide by the appeals process outlined in Part 5 of this 2012 Selection Policy Handbook and the Appeals Policy (**Attachment 6**).

### 2.2 Selectors' Powers

The Selectors will follow the procedures and will have the powers and functions specified in the 2012 Selection Policy Handbook including without limitation those set out in Part 6 of the Rowing Australia 2012 Selection Policy Handbook.

### 2.3 Selection Background Information

- 2.3.1 RA will select rowers, coxes, coaches, officials and support staff for the Senior A National Team, and nominate Athletes to the AOC in accordance with this 2012 Selection Policy Handbook.
- 2.3.2 Participants are required to attend and meet the Event Requirements for the Event or Events for which they have nominated. This will include mandatory trialling, testing, camps and regattas.
- 2.3.3 On occasions, progression through the Event Requirements will be subject to invitation by the Selectors to the next stage of the activity plan within the Event Requirements. The Event Requirements may specify the manner in which progression and invitation is determined. Subject to any specific directions or requirements, the Selectors will consider the Selection Criteria set out in the 2012 Selection Policy Handbook and use their discretion in inviting participants to progress to the next stage.
- 2.3.4 RA reserves the right to request individual sports science and sports medicine testing (including without limitation sport psychological assessment) to assist in considering any of the Selection Criteria or the requirements of the Event Requirements as well as the Participant's condition. Further testing can be requested from time to time in addition to those listed in the Event Requirements, to measure performance against any of the Selection Criteria.

- 2.3.5 On occasion, the Selectors may have cause to employ various forms of progression at their discretion to select members of a team or a crew or crews. This may include the formation of a National Squad and RA through its Selectors reserves the right to remove or add Participants to or from a National Squad or National Team. The grounds on which Selectors can remove a participant from a National Team are set out in Part 6 of the 2012 Selection Policy Handbook.
- 2.3.6 RA and the Selectors also have the ability to name a priority boat or boats for an Event or Events, and also give priority to one Event over another. Where a Participant meets the Selection Criteria for a priority boat or boats, but fails to gain selection in that boat, that Participant can make himself or herself available for a non-priority boat or another Event and the Selectors at their discretion can waive the prerequisites and criteria to that point for that boat or event.
- 2.3.7 The Selectors, within a reasonable time of allocating members of the National Team to a squad, will also announce when and on what basis the Selectors propose allocating members of that squad to a specific crew or crews.

## 2.4 Selectors' Discretion

- 2.4.1 The Selectors' task is defined by the objectives of the 2012 Selection Policy Handbook including selecting the Athletes and the boats that will give Australia the best chance of winning 3 Gold Medals at the London 2012 Olympic Games (paragraph 1.1.2).
- 2.4.2 The Selectors do so within the range of the various Selection Criteria which they are obliged to consider, and these criteria are set out in Part 3 of the 2012 Selection Policy Handbook. The Selectors have discretion in selection to or removal of Athletes from a National Team having regard to the Selection Criteria, and the discretion is set out in Part 6 of the 2012 Selection Policy Handbook.
- 2.4.3 The discretion is necessarily wide, but the Selectors understand that it must be carefully exercised within the umbrella of the criteria. The Selectors may apply a standard which calls for a value judgment and overall assessment of the relevant criteria. In the exercise of their discretion, the Selectors are expected to bring to account those matters within the criteria that they consider to be relevant to the determination, in achieving the overall objectives of the 2012 Selection Policy Handbook. In other words, the exercise of their discretion must be rational, logical and accountable, and importantly, fair to all Athletes. For the Selectors to exercise their discretion prudently, judiciously and with sound judgment they are required to:
- (a) act reasonably and justly;
  - (b) act in good faith and for proper purposes;
  - (c) consider the Selection Criteria; and
  - (d) consider the relevant materials and disregard irrelevant considerations.
- 2.4.4 The discretion is, however necessary as rowing is a uniquely team effort where a crew combination plays a significant role, as do extraneous factors such as weather conditions. The crew will be greater than the individual and the Selectors, when seized with a whole raft of data and facts are required to consider what factors will make the best combination or crew for the particular event. It is the relevance of each of the criteria and the weight attributable to them that is the predominant function at the Selectors discretion, when comparing Athletes' performance.

## 2.5 Extenuating Circumstances

- 2.5.1 A Participant can in accordance with this paragraph 2.5 ask the Selectors to consider Extenuating Circumstances if the Athlete is unable to compete at or meet an attendance requirement under the 2011 – 2012 Event Requirements.
- 2.5.2 In considering the performances of Participants at events, trials, training camps or other attendances required under the Rowing Australia 2012 Selection Policy Handbook, RA Olympic Nomination Criteria or the 2011-2012 Event Requirements, the Selectors may in their discretion give weight to Extenuating Circumstances.
- 2.5.3 Any Participant unable to compete at events, trials, training camps or satisfy other attendances required under the 2012 Selection Policy Handbook, RA Olympic Nomination Criteria or the 2011-2012 Event Requirements must advise the National High Performance Director of this fact in writing, including all relevant reasons. The written advice must where practicable be given within 24 hours of the commencement of the event, trial, training camp or other attendance and in all other cases within a reasonable time of becoming aware of the failure to meet the particular requirement.
- 2.5.4 In the case of illness or injury, Participants will be required to undergo a medical examination by a medical practitioner or other health professional nominated by RA, and Participants consent to the provision of information from any such practitioner or professional to the Selectors and RA.
- 2.5.5 Where any Participant, including without limitation any Participant residing overseas, seeks consideration of Extenuating Circumstances, a decision in each case will be made by the Selectors in their sole discretion on an individual basis, provided however that any such decision will not be binding on the AOC.
- 2.5.6 It is expected that all Participants must complete make-up activities in particular ergometer testing and lab testing where possible, unless exempted entirely from the activity at the sole discretion of the National High Performance Director.

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## PART 3 RA Selection Criteria

### 3.1 Rowers

The selection criteria that will be taken into account by the Selectors in selecting rowers for the 2012 Senior A National Team and the nomination of rowers by RA to the AOC for selection to the 2012 Australian Olympic Team from the Participants include the following:

- (a) satisfaction of the requirements of the 2011-2012 Event Requirements;
- (b) performance in trialling and competition specified in the 2011-2012 Event Requirements;
- (c) results and reports recorded from collated data and information including ergometer results, race results, sports science or medical tests or considerations (including sport psychological assessment), training camps, ability to maintain required training loads, ability to make and maintain weight (Lightweight);
- (d) previous national and international performances;
- (e) the Athlete's current level of skill and physical fitness;
- (f) any current injury or condition, which may impair, inhibit or prevent the Athlete's performance;

- (g) factors relevant to crew combination, namely crew compatibility, technical compatibility, and team balance and harmony;
- (h) achievement by Lightweight rowers of weight targets and other requirements particular to Lightweight rowers specified in Note 6 of the 2011-2012 Event Requirements;
- (i) adherence to RA Policies and Codes of Conduct;
- (j) relevant rowing conditions in relation to any trialling or results (e.g. wind and stream effects);
- (k) Coach input;
- (l) potential development of crew combinations for subsequent National Teams;
- (m) in relation to any performances considered by the Selectors, relevant rowing conditions, medical conditions, or equipment breakages or malfunctions may be considered in determining the weight to be accorded to such performances;
- (n) ability to train in and travel to crew or squad training locations and overseas competitions as required or designated by RA.

## 3.2 Coxes

The selection criteria that will be taken into account by the Selectors in selecting coxes for the 2012 Senior A National Team and the nomination of coxes by RA to the AOC for selection to the 2012 Australian Olympic Team from the Participants include the following:

- (a) satisfaction of the requirements of the 2011-2012 Event Requirements;
- (b) performance in training, trialling and competition specified in the 2011-2012 Event Requirements;
- (c) past performance in training and competition – especially at training camps, other nominated selection trials, and previous international events;
- (d) results and reports recorded from objective data if available;
- (e) Coach input;
- (f) consultation with Athletes;
- (g) adherence to the RA Policies and Codes of Conduct;
- (h) proven ability to make weight;
- (i) the Athlete's current level of skill and fitness;
- (j) any current injury or condition which may impair, inhibit or prevent the Athlete's performance;
- (k) factors relevant to crew combination, namely crew compatibility, technical compatibility, and team balance and harmony.

## 3.3 Coaches

The selection criteria that will be taken into account by the Selectors in selecting Coaches for the 2012 Senior A National Team from the Participants include the following:

- (a) satisfaction of the requirements of the 2011-2012 Event Requirements;
- (b) demonstrated ability to operate in a coaching team and broader high performance environment;
- (c) previous record as a Coach, including performance of domestic and international crews coached in the past, management of those crews and a proven capacity to relate appropriately with Athletes, Coaches, Officials and RA;
- (d) adherence to guidelines published by RA regarding training methodologies and the National Technical Model;
- (e) consultation with Athletes;
- (f) compatibility with Athletes;
- (g) adherence to the RA Policies and Codes of Conduct, including without limitation, adherence to the RA Coaches Code of Ethics;
- (h) completion of all documentation;
- (i) factors relevant to crew combination, namely crew compatibility, technical compatibility, and team balance and harmony.

RA will nominate coaches to the AOC in accordance with Standards for the Nomination of Officials issued by RA and made available on RA's website.

Notes:

- (i) Coaches may be considered for selection in categories other than those in which they are currently coaching.
- (ii) To be considered for selection to coach a Senior A crew, all Coaches must have or be achieving progress towards a level of accreditation specified as a requirement by RA.
- (iii) The appointment of a person to the position of Head Coach shall be an appointment by RA and not the Selectors pursuant to this Policy.

### **3.4 Officials and Support Staff**

- 3.4.1 2012 Senior A Australian Rowing Team - The RA Board shall be responsible for and have total discretion in the selection and removal at any time and from time to time of Officials (other than Coaches) and support staff, and any decision by RA in that regard is final and not subject to any approval under the 2012 Selection Policy Handbook, provided however that such decision will not be binding on the AOC.

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## **PART 4 RA Olympic Nomination Criteria - RA Nomination of Athletes to the Australian Olympic Committee for selection into the 2012 Australian Olympic Team**

### **4.1 Nomination General Information**

- 4.1.1 RA will include Athletes in the Shadow Team and nominate Athletes to the AOC for selection to the 2012 Australian Olympic Team in accordance with Part 3 and Part 4 of the 2012 Selection Policy Handbook. Officials (including Coaches) will be nominated to the AOC in accordance with the Standards for the Nomination of Officials, to be developed by RA and approved by the AOC.
- 4.1.2 The AOC is solely responsible for the selection and removal at any time of Athletes to and from the 2012 Australian Olympic Team. Athletes will be selected by the AOC in accordance with the 2012 Australian Olympic Team Selection Criteria – Rowing (**Attachment 3**) and the AOC Olympic Team Selection By-Law (**Attachment 4**). RA may request the removal of any Athlete selected in the 2012 Australian Olympic Team where RA determines that the Athlete has breached the provisions of this 2012 Selection Policy Handbook, however any decision to remove an Athlete selected in the 2012 Australian Olympic Team will be determined by the AOC in its sole and absolute discretion.
- 4.1.3 RA intends to target the following boat classes at the 2012 Olympic Games:
- (a) Men's Coxless Pair
  - (b) Men's Coxless Four
  - (c) Men's Eight
  - (d) Men's Double Scull
  - (e) Men's Quad Scull
  - (f) Men's Lightweight Coxless Four
  - (g) Women's Double Scull
  - (h) Women's Quad Scull
  - (i) Women's Coxless Pair
  - (j) Women's Lightweight Double Scull
- 4.1.4 RA reserves the right to revise the targeted boat classes for the 2012 Olympic Games at the discretion of the Selectors pursuant to paragraph 2.3.6. Such right may be exercised by RA at any time up until the date of nomination of Athletes to the AOC.

## 4.2 Inclusion in the Shadow Team

- 4.2.1 RA will choose Athletes from within its sport to be members of the AOC's Shadow Team. The Shadow Team will include:
- (a) all Athletes invited to the 2011 National Selection Trials (held from 14 to 24 April 2011 in Sydney) to trial for the 2011 Senior A National Team; and
  - (b) any additional Athletes that are deemed by the Selectors to have the capability to effectively compete at the 2012 Olympic Games as assessed under the Selection Criteria outlined in paragraphs 3.1 (Rowers) and 3.2 (Coxes) of this 2012 Selection Policy Handbook.
- 4.2.2 The AOC may also recognise other Athletes from within this sport to be members of the Shadow Team.
- 4.2.3 In order to be chosen by RA as a member of the Shadow Team each Athlete must have met the requirements of and completed and returned the RA 2011 Senior A Nomination Form by 14 December 2011, subject to Extenuating Circumstances, the right of the CEO to accept late forms under paragraph 1.3.1, and the right of Selectors to waive certain prerequisites and criteria under paragraph 2.3.6.
- 4.2.4 In order to be chosen as a member of the Shadow Team the Athlete must have signed the AOC 2012 Consent to Shadow Team Membership Form (Attachment 1) and in the case of minors, the Parents/Guardians Acknowledgment for Minors Form (Attachment 1) and provide it to the

Operations and Logistics Manager at Rowing Australia, PO Box 7147, Yarralumla ACT 2600 by 14 December 2011, subject to the right of the CEO to accept late forms under paragraph 1.3.1.

- 4.2.5 RA will provide all Athletes nominated or recognised as members of the Shadow Team with the 2011-2012 Event Requirements, , the AOC Guide to Olympic Team Selection, the AOC 2012 Selection Criteria and this 2012 Selection Policy Handbook. The AOC Olympic Team Selection By-Law, and the Qualification System will be made available on the AOC's website (www.olympics.com.au).
- 4.2.6 RA will advise the AOC of the Athletes that it has nominated as members of the Shadow Team at such time as required by the AOC.
- 4.2.7 If an Athlete breaches the requirements of the 2012 Selection Policy Handbook, the AOC 2012 Selection Criteria or the AOC Olympic Team Selection By-Law, Rowing Australia or the AOC may suspend or terminate the Athlete's membership of the Shadow Team.
- 4.2.8 RA may include additional Athletes to the Shadow Team based on performances and provided they otherwise meet the requirements of paragraph 4.2.3 (subject to Extenuating Circumstances). RA will advise the AOC of additional Athletes who have met the requirements of paragraph 4.2.3 by no later than 14 December 2011.
- 4.2.9 Rowing Australia intends to reduce the size of the Shadow Team at the conclusion of the National Senior A Selection Trials (to be held from 15 to 18 December 2011 in Penrith), based on the Selection Criteria outlined in paragraphs 3.1(Rowers) and 3.2 (Coxes) in this 2012 Selection Policy Handbook.

### 4.3 Nomination by RA to the AOC for Selection in the 2012 Australian Olympic Team

- 4.3.1 In accordance with the Qualification System:
  - (a) where Australia qualifies a quota place in a certain event at the 2011 World Rowing Championships (held from 28 August to 4 September 2011 in Bled, Slovenia), then (subject to paragraph 4.3.2) RA will nominate Athletes for that boat based on the recommendations of the Selectors made in accordance with this 2012 Selection Policy Handbook, and in particular the Selection Criteria in Part 3 of this 2012 Selection Policy Handbook.
  - (b) where Australia qualifies a quota place for a certain event at the Final Olympic Qualification Regatta (to be held from 20 to 23 May 2012 in Lucerne, Switzerland), then (subject to RA, at its discretion, choosing to nominate the boat for the event at the 2012 Olympic Games) the Athletes who achieved the qualification will be required to row in that boat , and will be nominated by RA for that event at the 2012 Olympic Games.
- 4.3.2 For the purposes of nomination to the AOC for selection to the 2012 Australian Olympic Team, RA will:
  - (a) only nominate those Athletes who to the satisfaction of Rowing Australia on the recommendation of the Selectors, have met the requirements of the 2012 Selection Policy Handbook (including the 2011-2012 Event Requirements) for the 2012 Senior A National Team in a boat for which Australia has qualified quota places for the 2012 Olympic Games.
  - (b) only nominate Athletes who:
    - (i) are Australian Citizens in accordance with the IOC Entry Eligibility requirements for the 2012 Olympic Games; and
    - (ii) satisfy the requirements set out in the FISA Qualification System;
  - (c) only nominate Athletes who are, or are recognised by the AOC as, members of the Shadow Team;

- (d) only nominate those Athletes it believes have met the requirements described in the AOC 2012 Selection Criteria;
- (e) only nominate those Athletes who have signed the Athlete nomination form as issued by the AOC from time to time;
- (f) not nominate more Athletes (including reserves) than the maximum number permitted under the Qualification System; and
- (g) not nominate Athletes who have breached the AOC Anti-Doping By-Law unless the Athlete has already been sanctioned for the breach and has completed the sanction imposed.

#### 4.4 Reserves or Alternates

RA will use this RA Olympic Nomination Criteria (Part 4) to determine reserves. Reserves will not be members of the 2012 Australian Olympic Team unless and until they replace another Athlete.

Any reserves or alternates will be nominated in accordance with FISA regulations (refer to FISA Website; [www.worldrowing.com](http://www.worldrowing.com)) and are subject to selection by the AOC in its sole and absolute discretion, and any conditions and deadlines that may be imposed by the Organising Committee of the London 2012 Olympic Games in relation to entry for the 2012 Olympic Games.

#### 4.5 Making of Nominations

RA intends to announce the Athlete and crew combinations to be nominated to the AOC on or before 19 June 2012.

In any event, nominations by RA must be received by the AOC by 10:00am AEST on Friday 22 June 2012. Nominations made after this deadline (or within such further deadline as the AOC may allow) will be invalid unless made pursuant to a direction or award in respect of an appeal against non-nomination to the RA Appeals Tribunal or the Court of Arbitration for Sport pursuant to the AOC's Selection By-Law and which appeal had been commenced prior to the deadline for receipt of nominations by the AOC.

The 10:00am AEST on Friday 22 June 2012 deadline for the making of nominations by RA applies irrespective of any deadline prescribed under the Qualification System or by the Organising Committee for the 2012 Olympic Games.

#### 4.6 Amendments to Nomination Criteria

This RA Olympic Nomination Criteria may be amended by RA with the prior written approval of the AOC. Any amended RA Olympic Nomination Criteria will be notified to Athletes in accordance with paragraph 7.3.

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## PART 5 Appeals

### 5.1 Appeals Policy

The terms of the RA Appeals Policy form part of the 2012 Selection Policy Handbook and apply to and are binding on all Athletes and Coaches. A copy of the RA Appeals Policy can be found at **Attachment 6**.

### 5.2 Appeal Procedure for Selection or Non-Selection in the Senior A National Team

Any appeal against an Appealable Decision relating to selection or non-selection in the Senior A National Team will be addressed according to the following procedure:

- 5.2.1 The appeal will proceed and be heard within the timeframes prescribed in the Appeals Policy by an Appeals Tribunal established by RA in accordance with the Appeals Policy; and
- 5.2.2 Any subsequent appeal will be heard by the appeals division of CAS.

### **5.3 Appeal Procedure for Nomination or Non-Nomination to the AOC**

Any appeal against the nomination or non-nomination of an Athlete to the AOC for inclusion in the 2012 Australian Olympic Team will be addressed in accordance with the procedure set out in AOC 2012 Olympic Team Selection By-Law (**Attachment 4**).

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## **PART 6 Powers, Procedures and Functions**

### **6.1 Order of Precedence**

To the extent that there is any inconsistency between the AOC Olympic Team Selection By-Law, the 2012 Selection Policy Handbook, the 2010-2012 Selection Policy and any prior policy or Event Requirements provided to Athletes, then the documents have the following order of preference:

- (a) The AOC Olympic Team Selection By-Law
- (b) 2012 Selection Policy Handbook
- (c) 2011-2012 Event Requirements
- (d) RA 2010-2012 Selection Policy

### **6.2 Powers, Procedures and Functions of the RA Board: The RA Constitution**

Under the RA constitution, the RA Board is responsible for a range of key results and outcomes including, but not limited to, the following:

- 6.2.1 managing and controlling all aspects of the selection, preparation, management, touring arrangements and participation of Australian rowing teams (Rule 19.2(e)); and
- 6.2.2 approving nominees (as recommended to the Board by those persons charged with the responsibility of selection) of persons selected for Australian rowing teams (Rule 19.2(j)).

### **6.3 Powers, Procedures and Functions of the RA Board: International Regattas and Events – Event Requirements**

- 6.3.1 Where RA has determined that Participants may nominate for selection to a National Team for competing at an international championship, games, regatta or event, RA shall issue Event Requirements for each such international regatta or event and the Event Requirements will be notified to Participants in accordance with Part 7 of this 2012 Selection Policy Handbook.
- 6.3.2 The Event Requirements will include information and material considered relevant by RA to the particular Event.
- 6.3.3 The Event Requirements shall form part of the Selection Policy and shall bind each Athlete and Coach that nominates for consideration for selection to the National Team for the Event and RA may issue the Event Requirements wholly or partially by way of updates or bulletins.

- 6.3.4 Without limiting RA's discretion in deciding what material is relevant for inclusion in the Event Requirements, RA may nominate priority categories, boats and the ranking of boats and events in the Event Requirements, or by way of update or subsequent bulletin or publication.

## 6.4 Powers, Procedures and Functions of the RA Board: Miscellaneous

- 6.4.1 Additional powers of the RA Board include without limitation:

- (a) the responsibility for and total discretion in respect of the selection and removal at any time and from time to time of Officials (other than Coaches) and support staff from the National Team, and any decision by RA in that regard is final and not subject to any approval under the 2012 Selection Policy Handbook;
- (b) amending the composition and structure of the selection panels from time to time and in so doing notifying Athletes in accordance with Part 7 of the 2012 Selection Policy Handbook;
- (c) appointing Selectors to selection panels in accordance with the 2012 Selection Policy Handbook;
- (d) for the National Team for each Event, approving those Athletes and Coaches selected by the Selectors in accordance with the 2012 Selection Policy Handbook and the applicable Event Requirements as members of that National Team;
- (e) approving changes or additions to the 2012 Selection Policy Handbook or Event Requirements in accordance with the Selection Policy;
- (f) subject to paragraph 4.1.2, the power to determine in its sole and absolute discretion whether a Participant has breached any requirement of or any undertaking given under this 2012 Selection Policy Handbook including without limitation any breach of the undertakings given by the Participant in paragraph 1.4.

## 6.5 Powers, Procedures and Functions of the Selectors: Formation of the Selectors

- 6.5.1 The selection panel for Senior A men and women shall be comprised of five (5) people, consisting of the National High Performance Director (who shall be the Chairman of Selectors), the National Head Coach – Men, the National Head Coach – Women, and two (2) persons chosen at the sole discretion of the RA Board, having the qualifications and experience that meet the requirements of RA. The selection panel will meet to carry out the functions and exercise the powers of the Selectors for the men's and women's 2012 Senior A National Team and administer the process of:

- (a) selection of Participants to be members of that National Team; and
- (b) recommending to the RA Board those Athletes for nomination to the AOC of Athletes for selection to the 2012 Australian Olympic Team,

within the guidelines and requirements of the 2012 Selection Policy Handbook.

## 6.6 Powers, Procedures and Functions of the Selectors: Selection Decisions

- 6.6.1 The Selectors have an absolute discretion in relation to a Participant:

- (a) in selection to a National Squad or National Team;
- (b) in removal from a National Squad or National Team;
- (c) in progression of a Participant through the events in the Event Requirements;

- (d) in allocation to or removal from a nominated squad, crew or boat;
- (e) in nomination, removal or ranking of a crew or boat in respect of a National Squad or National Team,

having regard to any one or more of the Selection Criteria set out in Part 3 of this 2012 Selection Policy Handbook.

- 6.6.2 A majority decision of Selectors is required. Where a Chairman of Selectors has been appointed by the RA Board, that person shall have a casting vote in addition to a deliberative vote in the case of an equality of votes by the Selectors. Where there is an equality of votes by the Selectors or any other deadlock, then RA may appoint a further Selector at its sole discretion for the purpose of resolving the deadlock. Subject to the appeal provisions of this 2012 Selection Policy Handbook and approval by the RA Board pursuant to paragraph 6.6.3, the decision of the Selectors shall be final. Selectors may in their discretion consult with and otherwise advise a Participant or Participants in respect of a particular selection decision.
- 6.6.3 For the National Team for each Event, the Selectors shall recommend for approval by the RA Board those Athletes and Coaches selected by the Selectors in accordance with the Selection Policy and applicable Event Requirements as members of that National Team.
- 6.6.4 Where a Coach has been nominated by the Selectors as the preferred or allocated Coach of a crew nominated for a National Squad or a National Team then the Selectors will consult with that Coach prior to finalising selection of the Athletes to that crew. The final decision will rest with the Selectors and not the Coach who will provide consultative assistance only.
- 6.6.5 Athletes should refer to Part 4 of this document to find the process by which Athletes selected to the 2012 Senior A National Team will be nominated to the AOC for selection to the 2012 Australian Olympic Team.

## **6.7 Powers, Procedures and Functions of the Selectors: Authorities of Selectors**

The Selectors shall have the following functions, responsibilities and authorities under the 2012 Selection Policy Handbook, as well as any additional or varied functions pursuant to the 2011-2012 Event Requirements:

- 6.7.1 Inclusion of Athletes and Coaches in a National Squad (if any) in accordance with the provisions of the Event Requirements, and allocation of members of the National Squad, including coxes and Coaches to a specific crew, category or squad, their training location and variation of any such allocation or location from time to time;
- 6.7.2 Selection of Athletes and Coaches to be recommended to the RA Board as members of a National Team to compete at an Event in accordance with the Selection Criteria;
- 6.7.3 Removal of any Athlete or Coach from a National Squad;
- 6.7.4 Removal of any Athlete or Coach from a National Team where, in the opinion of the Selectors the member:
  - (a) has failed to be allocated to a priority or other boat to compete at an Event after being selected to the National Team in a squad trialling for a priority or other boat(s);
  - (b) has breached or failed to observe the requirements of the 2012 Selection Policy Handbook or the Event Requirements;

- (c) by reason of illness or injury is unable to perform to the required standard, after having received advice from the Principal Medical Officer and (if available and time permits) the Athlete's personal medical practitioner (if any);
  - (d) breaches or fails to observe a requirement of any of the RA Policies and Codes of Conduct;
  - (e) breaches or fails to observe the requirements of an Event Governing Body in relation to the Event;
  - (f) becomes ineligible for continued membership of the National Team; or
  - (g) fails to sustain his or her performance and attitude to a satisfactory level in the opinion of the Selectors, provided that the required performance levels have first been discussed with the member and the member has been given an opportunity to attain the required performance level or demonstrate a change in attitude (where time permits);
- 6.7.5 The removal of a Coach from a National Team or National Squad where in the opinion of the Selectors:
- (a) the resources and support nominated by the Coach in support of his or her appointment as a Coach to a crew have been withdrawn or altered in any adverse manner; or
  - (b) the employment, domicile or circumstances of the Coach have materially altered from those nominated by the Coach in support of his or her appointment;
- 6.7.6 Removal of any Athlete or Coach from a National Team or a National Squad where in the opinion of the Selectors the crew or boat for which they have been selected or allocated will not be competing at the Event;
- 6.7.7 The early selection of a Participant or Participants to the National Team as a named crew, a single sculler, or a squad for a priority boat or category named in the Event Requirements for the Event, based, in the opinion of the Selectors, on outstanding international performances in the previous eighteen (18) months;
- 6.7.8 Progressive selection of Participants to the National Team as a named crew, single sculler, or a squad for a priority boat or category named in the Event Requirements for the Event, based on the requirements set out in or announced under the Event Requirements for the Event;
- 6.7.9 Selection of Participants to a boat or crew that was not listed by RA as a priority boat, within a priority category or was a lower ranked boat or crew, notwithstanding a failure by the selected Participant to meet all the requirements for selection to that boat or crew as a result of the Participant trialling for selection as a participant to a higher ranked or priority boat, category or crew;
- 6.7.10 Allocation of members of the National Team, including coxes and Coaches to a specific crew or squad, their training location and variation of any such allocation or location from time to time;
- 6.7.11 Nomination, before selection, of a squad or group of Participants for trialling or progression towards selection as a member of a priority boat, crew or category within the National Team;
- 6.7.12 Authority to add any Participant to or remove any Participant from any squad that is trialling for selection for a specific crew or priority boat or category prior to selection to the National Team;
- 6.7.13 Selection of Participants for the purpose of progression by invitation or nomination through the trials specified in the Event Requirements;
- 6.7.14 Power to exempt any Participant from the requirements of the 2012 Selection Policy Handbook or Event Requirements for the Event, in accordance with the special consideration provisions set

out in paragraph 2.5 of this 2012 Selection Policy Handbook and/or any other conditions or provisions of the Event Requirements;

- 6.7.15 Power to engage experts, including medical or health professionals to provide reports or conduct examinations of the Participants, with further authority to provide such reports and information to RA solely for the purpose of considering selection to or removal from a National Team, National Squad, or named crew or boat, and for that purpose, for monitoring the performance and attitude of any such member or Participant;
- 6.7.16 Suspend any Participant or member of a National Team whilst any breach, medical condition, performance or issue relating to attitude or compliance with any of the RA Policies and Codes of Conduct (including any requirement of or any undertaking given under this 2012 Selection Policy Handbook) is under investigation or review;
- 6.7.17 Power to request Participants to attend specific or individual sports science medicine testing and examinations to assist the Selectors in considering any of the criteria and the Participants' condition;
- 6.7.18 The early selection of a Coach or Coaches to the National Team;
- 6.7.19 The specification and allocation of team, category and/or crew responsibilities to a Coach or Coaches; and
- 6.7.20 Removal of a Participant from consideration for selection to the National Team, the National Squad or (if applicable) from the National Team or National Squad itself if RA determines (and has not excused) in its sole and absolute discretion that the Participant has breached any requirement of or any undertaking given under this 2012 Selection Policy Handbook.

Subject only to the right of appeal in accordance with Part 5 of this 2012 Selection Policy Handbook, each decision by the Selectors or RA shall be final and binding on the Participants and each member of any National Team or National Squad.

## **6.8 Powers, Procedures and Functions of the Selectors: National High Performance Director**

In addition to other powers, procedures and functions afforded to the National High Performance Director in this 2012 Selection Policy Handbook and the Event Requirements, the National High Performance Director shall have the authority to appoint a trial manager to oversee the trialling process, consult with the Selectors and assist the Selectors to document their decisions.

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## **PART 7 General**

### **7.1 2012 Senior A National Rowing Team Notification and Announcements**

- 7.1.1 Subject to paragraph 7.1.2, announcements and notifications made under or pursuant to the 2012 Selection Policy Handbook or the 2011-2012 Event Requirements will be published on the RA Website as soon as practicable after announcement of the decision or determination or publication by RA in any public forum and any announcements and decisions so published will be deemed to have been made or announced on the day of publication (prior to midday) on the RA Website or otherwise on the next day following publication (in the afternoon) on the RA Website.
- 7.1.2 RA may, for reasons of privacy, confidentiality or convenience, deliver a notification or announcement to a Participant by hand or prepaid post (if posted to an address in another country, by registered airmail) to the address last notified by the Participant to RA and the notification or announcement will be taken to be duly made or given to the Participant:
  - (a) in the case of delivery in person, when delivered;

- (b) in the case of delivery by post, three days after the date of posting (if posted to an address in the same country) or seven days after the date of posting (if posted to an address in another country);
- (c) in the case of e-mail, the next day after the date of transmission unless RA is advised that the transmission failed to send to the recipient.

RA may also send an SMS message to Athletes and Coaches advising that information has been posted to the RA Website and/or sent to a personal contact address.

- 7.1.3 Where practicable, a notice will also be given to Participants by e-mail, where the Participant has provided an e-mail address in his or her RA 2012 Senior A Nomination Form. However, an inadvertent failure to provide an e-mail notice to a correct e-mail address or a failure by a Participant to receive notice by e-mail for whatever reason shall not invalidate the effectiveness of publication of the notice on the RA Website.

### 7.2 2012 Australian Olympic Team Notification and Announcements

No Athlete will be advised of his/her nomination to the AOC for selection to the 2012 Australian Olympic Team until it has been ratified by the RA Board.

Prior to or within 24 hours after RA Board ratification of the Athletes to be nominated to the AOC, RA will:

1. advise Athletes in accordance with the RA Policy for Counselling and Assisting Athletes made available on the RA Website;
2. advise SSOs/SIS-SAS/AIS (embargoed); and
3. arrange an announcement.

Subject to the above, RA intends to announce the Athletes and crew combinations to be nominated to the AOC on or before 19 June 2012. The AOC will be solely responsible for the announcement of Athletes selected to the rowing section of the 2012 Australian Olympic Team.

### 7.3 Amendments

Any change or addition to the 2012 Selection Policy Handbook (including any change or addition to the RA Olympic Nomination Criteria or the 2011-2012 Event Requirements) must be approved by the RA Board and the AOC and will be notified to Participants via the RA Website and the AOC Website ([www.olympics.com.au](http://www.olympics.com.au)), and RA will:

- a) email the amended 2012 Selection Policy Handbook to all Shadow Team members to the email address supplied to RA on the RA 2012 Senior A Nomination Form; and
- b) RA will mail a copy of the amended 2012 Selection Policy Handbook to any Athlete on request of that Athlete.

The change or addition will take effect one day after publication on the RA Website, or on the date specified in the change or addition (whichever is the later). All Participants are advised to check the RA Website on a daily basis during the process of nomination and selection for inclusion in a National Team or the 2012 Australian Olympic Team.

### 7.4 Consent, Approval and Discretion

If the doing of any act, matter or thing or the exercise of any authority under the 2012 Selection Policy Handbook is dependent on the consent or approval of a person, panel or committee or is within their discretion, then the consent or approval may be given or the discretion may be exercised conditionally or

unconditionally or withheld unless express provision to the contrary has been made in the 2012 Selection Policy Handbook or the 2011-2012 Event Requirements.

## 7.5 Law

This document is governed by the laws applicable in the State of New South Wales.

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## PART 8 Interpretation

### 8.1 Meaning of Expressions and Words

In this 2012 Selection Policy Handbook the following expressions, abbreviations and words shall have the following respective meanings:

**Alternate Tribunal Chairperson** means an alternate Tribunal Chairperson as appointed from time to time by RA.

**AOC** means the Australian Olympic Committee.

**AOC 2012 Consent to Shadow Team Membership Form** means the AOC 2012 Consent to Shadow Team Membership Form attached as Attachment 1 to the 2012 Selection Policy Handbook.

**AOC 2012 Selection Criteria** means the AOC 2012 Selection Criteria attached as Attachment 3 to the 2012 Selection Policy Handbook.

**Appeals Policy** means the RA Appeals Policy attached at Attachment 6 to the 2012 Selection Policy Handbook.

**Appealable Decision** means the decisions listed in paragraph 2.1 of the Appeals Policy and **Appealable Decisions** means any two or more of them.

**Appellant** means an Athlete that appeals against a decision pursuant to Part 5 of the 2012 Selection Policy Handbook.

**ASADA** means the Australian Sports Anti-Doping Authority.

**Athletes** include oarsmen, oarswomen and coxes.

**Athletes Agreement** means the form of agreement(s) approved from time to time by RA for execution by Athletes and may include, where relevant any agreement requirement by an Event Governing Body in respect of an applicable Event.

**Category** means a category of Athletes or Coaches categorised by any one or more of gender, weight class, rowing discipline, event or location.

**CAS** means the Court of Arbitration for Sport.

**Chairman of Selectors** means the person (if any) appointed by the RA Board from time to time as the Chairman of Selectors.

**CEO** means the Chief Executive Officer for the time being of RA, and in the absence of any such person, then the person nominated by RA as the delegate of the CEO for the purposes of the 2012 Selection Policy Handbook.

**Coach** means a person who trains Athletes.

**Event** means World Championship, Olympic Games, international regatta or event for which the Participant nominated for selection.

**Event Governing Body** means the governing body or bodies having responsibility or jurisdiction in relation to the conduct of or participation at the Event, and includes without limitation FISA, the IOC, the AOC and WADA.

**Event Requirements** means requirements for an Event set out in documentation issued and amended from time to time by RA and includes the 2011-2012 Event Requirements.

**Extenuating Circumstances** means an inability to compete and/or attend at an Event, trial, training camp or satisfy any other attendance required under the 2012 Selection Policy Handbook or the 2011-2012 Event Requirements arising from:

- (a) injury or illness;
- (b) equipment failure;
- (c) travel delays;
- (d) bereavement; and/or
- (e) any other factors reasonably considered by the Selectors to constitute extenuating circumstances.

**FISA** means the Federation Internationale des Societies d'Aviron.

**IOC** means the International Olympic Committee.

**Lightweight** means the average weight of a men's crew shall not exceed 70kg. No individual oarsmen shall weigh more than 72.5kg. A Single sculler (male) shall not weigh more than 72.5kg. For women the average weight of a crew shall not exceed 57kg. No individual oarswomen shall weigh more than 59kg. A single scull (female) shall not weigh more than 59kg.

**Member Association** means a State or Territory rowing association that is a member of RA.

**National High Performance Director** means the person nominated by RA from time to time as the National High Performance Director.

**National Squad** means the National Squad (if any) specified or provided for in the Event Requirements, for formation prior to selection of Participants in a National Team, and includes Shadow Team.

**National Team** means the National Team selected to compete at the Event, and includes the 2012 Senior A National Team.

**National Technical Model** means the model, guidelines and/or policy issued by RA from time to time in relation to rowing technique and methods.

**NCAS** means National Coaching Accreditation Scheme.

**Officer of a Member Association** means any of the following:

- (a) a councillor of the Member Association;
- (b) a secretary or a voting member of the executive board or committee of management or equivalent of the Member Association;
- (c) an employee of a Member Association; or
- (d) an employee of any State or National institute of sport.

**Officials** includes support staff.

**Participants** means Athletes and Coaches who nominate for selection in a National Team in relation to an Event and includes Athletes and Coaches who are members of a National Team.

**Permanent Tribunal Chairperson** means the Permanent Tribunal Chairperson appointed from time to time by RA.

**Principal Medical Officer** means the principal medical officer of RA appointed from time to time.

**Qualification System** means the Olympic Qualification System for the 2012 Olympic Games published by FISA to determine the allocation of quota places to various nations to qualify to participate in the Olympic Games (as amended from time to time), a copy of which is available at [www.olympics.com.au](http://www.olympics.com.au).

**RA** means Rowing Australia Limited.

**RA Board** means the board of RA elected or appointed in accordance with the constitution of RA and responsible for the day-to-day management of RA.

**RA Olympic Nomination Criteria** means the criteria specified in Part 4 of the 2012 Selection Policy Handbook adopted by RA and approved by the AOC for the nomination of Athletes to the AOC for the Shadow Team and the 2012 Australian Olympic team.

**RA Policies and Codes of Conduct** means the policies, by-laws and rules of RA as in force from time to time including without limitation, the Anti-Doping Policy and Codes of Conduct for Athletes, Coaches and Officials.

**RA Website** means [www.rowingaustralia.com.au](http://www.rowingaustralia.com.au), and/or any other official website of RA.

**RA 2011 Senior A Nomination Form** means the RA 2011 Senior A Nomination Form which includes two parts, notification of nomination and terms and conditions of nomination.

**RA 2012 Senior A Nomination Form** means the RA 2012 Senior A Nomination Form which includes two parts, notification of nomination and terms and conditions of nomination (the terms and conditions of nomination are attached as Attachment 2 to the 2012 Selection Policy Handbook).

**Selection Criteria** means the criteria specified in Part 3 of the 2012 Selection Policy Handbook.

**Selectors** means the panel of selectors appointed by RA in accordance with the 2012 Selection Policy Handbook.

**Shadow Team** means those Athletes identified from time to time by RA as competitors suitable and eligible for nomination to the AOC and who are recognised by the AOC as potential members of a particular Australian Olympic team.

**squad** means a squad of Athletes and Coaches nominated or selected by RA and at RA's discretion categorised by any one or more of gender, weight class, rowing discipline, event or location.

**team** includes where the context permits crew or sculler.

**Tribunal Chairperson** means the Chairman or Chairwoman of an Appeals Tribunal, being the Permanent Tribunal Chairperson or an Alternate Tribunal Chairperson.

**WADA** means the World Anti-Doping Agency.

**2011-2012 Event Requirements** means the 2011-2012 Event Requirements attached as Attachment 5 to the 2012 Selection Policy Handbook.

**2012 Australian Olympic Team** means the 2012 Australian Olympic Team – Rowing Section.

**2012 Selection Policy Handbook** means the 2012 Selection Policy Handbook and includes without limitation the attachments and the 2011-2012 Event Requirements.

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**PART 9      Attachments**

- 9.1      **Attachment 1 - AOC 2012 Consent to Shadow Team Membership**
- 9.2      **Attachment 2 - RA 2012 Senior A Nomination Form - Terms and Condition**
- 9.3      **Attachment 3 - AOC 2012 Selection Criteria**
- 9.4      **Attachment 4 - AOC Olympic Team Selection By-Law**
- 9.5      **Attachment 5 - 2012 Event Requirements**
- 9.6      **Attachment 6 - 2010-2012 Rowing Australia Appeals Policy**



**2012 AUSTRALIAN OLYMPIC TEAM  
CONSENT TO SHADOW TEAM MEMBERSHIP**

**ROWING AUSTRALIA**

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*[insert name of Athlete]*

I consent to being a member of the Shadow Team for nomination by the above NF for selection to the 2012 Australian Olympic Team. I make this acknowledgement honestly and fully and confirm that this acknowledgement is not false or misleading:

- 1 I have been provided with, or been given access to, and will be bound by and observe the terms of the AOC Olympic Team Selection By-Law, the AOC Selection Criteria applicable to my sport and my NF's Nomination Criteria in force and as amended from time to time. I acknowledge that all members of the Shadow Team will likewise be bound by and must observe the same terms.
- 2 The AOC's Olympic Team Selection By-Law and the Selection Criteria may be amended by the AOC from time to time. I will be bound by and observe the AOC's Olympic Team Selection By-Law and the Selection Criteria as amended, and acknowledge that any amendments to the AOC's Olympic Team Selection By-Law and Selection Criteria will be posted to the AOC's website ([www.olympics.com.au](http://www.olympics.com.au)) along with the Qualification System applicable to my event.
- 3 The decision whether or not to nominate me to the AOC for selection in the 2012 Australian Olympic Team is subject to the Nomination Criteria and is at the discretion of my NF.
- 4 If my NF decides to nominate me for selection to the 2012 Australian Olympic Team I will be required to complete an Athlete Acknowledgement as determined by the AOC from time to time.
- 5 In the event that my NF nominates me to the AOC for selection in the 2012 Australian Olympic Team I am not guaranteed to be selected in the 2012 Australian Olympic Team. The decision whether or not to select me as a member of the 2012 Australian Olympic Team is subject to the AOC's Olympic Team Selection By-Law and Selection Criteria and is at the absolute discretion of the AOC.
- 6
  - (1) I have not at any time engaged in conduct (whether publicly known or not and whether before or after the dated of my selection), which has brought, brings or would have the tendency to bring me or my sport into disrepute or censure, or which is or would have the tendency to be inconsistent with, contrary to or prejudicial to the best interests, image or values of the AOC or Team Sponsors, or as a result of which my membership would not be or would not likely be in the best interests of the 2012 Australian Olympic Team or the Shadow Team;
  - (2) I have not at any time (whether before or after the dated of my selection) been convicted of, or charged with, any serious offence involving violence, alcohol or drugs, or any sex offence, or any offence relating to any betting or gambling activities on sport, or any offence which is punishable by imprisonment;

- (3) I have and will continue to honestly and fully disclose information to my NF and the AOC concerning any conduct that might be in breach of (1) or (2) above or concerning any criminal offence of whatever nature, with which I have been charged, or of which the I have been convicted, and consent to my NF and the AOC making enquiries to relevant authorities for any details of my criminal record (if any), including details of any charges pending or any spent convictions disclosable by law, and consent to those authorities providing that information in answer to those enquiries;
- (4) any matter arising under (1), (2) or (3) above is to be determined, or breach thereof excused, by the AOC in its sole and absolute discretion.

**DISCLOSURE**

**(Please identify if there are any matters to be disclosed in respect of paragraph 6(1), (2) or (3) above ie identify any disreputable conduct, criminal convictions or criminal charges.)**

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7 My contact details are: Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Facsimile: \_\_\_\_\_  
 Email: \_\_\_\_\_

8 I will notify my NF in writing of any change in the above contact details. Any failure by me to advise my NF in writing of a change in my contact details may be to my detriment. Any announcement to be made or notice required to be sent pursuant to the AOC’s Olympic Team Selection By-Law may be sent to one or more of the above contacts, or such other contact as notified in writing by me, and in the case of:

- (1) post, the announcement or notice is deemed to have been received by me by properly addressing, prepaying and posting a letter containing the announcement or notice, and to have been received by me on the third business day after the date of its posting. Any announcement or notice sent by post to me overseas will be forwarded by air mail;
- (2) facsimile transmission, the announcement or notice is deemed to have been received by me by properly addressing the facsimile transmission and transmitting it to the number supplied by me and to have been received by me the next business day after the date of its transmission; and
- (3) email, the announcement or notice is deemed to have been received by me by properly addressing the email address and transmitting it to the address supplied by me and to have been received by me on the next business day after the date of transmission unless the AOC or NF is advised that the transmission failed to send to the addressee.

- 9 If I wish to utilise Specialised Equipment at the Games, I will submit a request in writing to the AOC Director of Sport no later than 6 months prior to the Games. This request is subject to the approval of the AOC in accordance with the 2012 Australian Olympic Team Membership Agreement – Athletes.
- 10 This consent is governed by the laws applicable in the State of New South Wales.

\_\_\_\_\_

Signature of Athlete

\_\_\_\_\_

Date

\_\_\_\_\_

Witness Name

\_\_\_\_\_

Witness Signature



2012 AUSTRALIAN OLYMPIC TEAM

PARENTS/GUARDIANS ACKNOWLEDGEMENT FOR MINORS

ROWING AUSTRALIA

[insert name of Athlete]

I/we, the undersigned parents/guardians of the Athlete agree (and if more than one, then jointly and severally agree) as follows:

- 1. the Athlete is under the age of 18 years as at the date of signing the Athlete Nomination Form;
2. I/we have read and understood the AOC Olympic Team Selection By-Law and the AOC Selection Criteria applicable to the sport of Rowing and the Athlete Acknowledgment in the Athlete Nomination Form ("the Selection Terms") and have fully explained to the Athlete the Selection Terms. To this end I/we have obtained independent legal advice as to the Selection Terms in order to clarify any doubts or concerns I/we may have had in this regard;
3. the Athlete has read the Selection Terms and, together with the benefit of our full explanation, understands their meaning and effect;
4. the Selection Terms are for the benefit of the Athlete;
5. the Athlete's eligibility for being nominated by the above NF for selection to the 2012 Australian Olympic Team, may be terminated in the event of any breach of the Selection Terms; and
6. this acknowledgment is governed by the laws applicable in the State of New South Wales.

Dated:

Signed by the Parent/Guardian )
In the presence of: )

(Parent/Guardian's signature)

(Witness' signature)

(Name of Witness)

(Name of Parent/Guardian)



# NATIONAL ROWING CENTRE OF EXCELLENCE



c/o AIS Rowing, PO Box 176, Belconnen ACT 2616 | P +61 2 6260 4724 | F +61 2 6285 2813

## ROWING AUSTRALIA LIMITED

### 2012 Senior A Australian Rowing Team

#### RA 2012 SENIOR A NOMINATION FORM (TERMS AND CONDITIONS)

Participant Name: \_\_\_\_\_

**1. I acknowledge and agree that:**

- (a) I have read, understood and agree to be bound by the 2012 Selection Policy Handbook (including the requirements and provisions of any annexures), the applicable Event Requirement(s) and the RA Policies and Codes of Conduct, which include without limitation all of the following:
  - (i) RA Member Protection Policy;
  - (ii) RA Anti-Doping Policy;
  - (iii) Medical Management Policy;
  - (iv) Sports Supplement Policy;
  - (v) SSSM Reconciliation Policy;
  - (vi) Classification Policy;
  - (vii) Illicit Drugs in Sport Education;
  - (viii) Environmental Sustainability Policy;
  - (ix) On-Water Safety Code and Guidelines;
  - (x) the policies and by-laws of the Event Governing Body;
  - (xi) the requirements of the World Anti-Doping Agency and the Australian Sports Anti-Doping Authority; and
  - (xii) the Athletes Agreement(s) (if any) applicable to the Event.
- (b) I have read and accept the requirements of the RA Medical Management Policy, and additionally I give my consent for disclosure of medical and personal information (including any sport psychological assessment) as specifically outlined in this policy or the 2012 Selection Policy Handbook; and
- (c) I have read and will regularly check the policies, notifications and updates on the RA Website, including those policies and Event Requirements referred to in this form.

**2. If invited to attend the Selection Trial I agree:**

- (a) I will willingly comply with all reasonable requests of National Selectors, and management, coaches and officials of the National Rowing Centre of Excellence;
- (b) I will participate to the best of my ability in all selection activity to ensure fair outcomes from the trial process;
- (c) I will not make any comment about rowers other than myself to the media or any comment that reflects on RA/NRCE or its selectors, coaches and officials negatively;
- (d) that at times during the trial there may be unavoidable delays as a result of the decision making process; and
- (e) I will not engage in any behaviour that may bring RA or any Member Association into disrepute or prejudice the name, reputation or image of RA.

**3. If selected into a National Team I agree:**

- (a) to sign an Athletes Agreement if required by RA (and I acknowledge that RA may require me to sign an Athletes Agreement as a prerequisite to nomination and/or selection);
- (b) to relocate to an Australian training location as determined by RA or the National Rowing Centre of Excellence; and

4. The terms and conditions contained in this national RA Senior A Nomination Form (Terms and Conditions) commence on the date of signing or on the date that I first compete at an Event in the 2011-2012 season (whichever is the earlier) and continue until 31 December following the final event listed in the relevant Event Requirements.

SIGNED BY THE ATHLETE (Athlete aged 18 years or over)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

SIGNED BY PARENT OR GUARDIAN OF THE ATHLETE (Athlete aged under 18 years)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

\*\* Please return your signed RA 2012 Senior A Nomination Form (Terms and Conditions) to the RA by e-mail (czillich@rowingaustralia.com.au), or post (PO Box 7147 Yarralumla ACT 2600). The RA 2012 Senior A Nomination Form (Terms and Conditions) is due by 14 December 2011.



**2012 AUSTRALIAN OLYMPIC TEAM  
SELECTION CRITERIA – ROWING**

**NOTE:** *The AOC reserves the right to amend this Criteria as necessary.*

1 Pursuant to the AOC's Selection By-Law, the AOC has adopted this Selection Criteria in respect of the selection of Athletes to the 2012 Australian Olympic Team as nominated by Rowing Australia ("NF").

**2 Eligibility for Selection**

In order to be selected by the AOC as a member of the 2012 Australian Olympic Team, each Athlete (or team where applicable) must:

- (1) have met the requirements prescribed in the Qualification System;
- (2) have met and continue to observe and meet the eligibility requirements for Australian competitors described in the Olympic Charter;
- (3) have met and continue to meet the requirements of Rules 41 and 45 of the Olympic Charter and their By-Laws;
- (4) have signed the 2012 Australian Olympic Team Membership Agreement and agree to sign any entry form required by the IOC and the Organising Committee for the 2012 Olympic Games;
- (5) have been nominated by Rowing Australia Inc on the form issued from time to time by the AOC, which has been signed on behalf of Rowing Australia Inc and also signed by the Athlete;
- (6) have observed and continue to observe the provisions of the AOC's Constitution and its by-laws, including the AOC's Selection By-Law, and must not have breached the AOC's Anti-Doping By-Law unless the Athlete has already been sanctioned for the breach and has completed the sanction imposed;
- (7)
  - (a) have not at any time engaged in conduct (whether publicly known or not and whether before or after the date of selection), which brings or would have the tendency to bring the Athlete or the Athlete's sport into disrepute or censure, or which is or would have the tendency to be inconsistent with, contrary to or prejudicial to the best interests, image or values of the AOC or any Team Sponsor, or as a result of which the Athlete's membership would not be in the best interests of the 2012 Australian Olympic Team;
  - (b) have not at any time been convicted of, or charged with, any serious offence involving violence, alcohol or drugs, or any sex offence, or any offence relating to any betting or gambling activities on sport, or any offence which is punishable by imprisonment;
  - (c) have and will continue to honestly and fully disclose information to Rowing Australia Inc and the AOC concerning any conduct that might be in breach of (a) or (b) above or concerning any criminal offence of whatever nature, with which the Athlete has been charged, or of which the Athlete has been convicted, and have consented to the Rowing Australia Inc and the AOC making enquiries to relevant authorities for any details of the Athlete's criminal record (if any), including details of any charges pending or any spent convictions disclosable by law, and have consented to those authorities providing that information in answer to those enquiries;
  - (d) any matter arising under (a), (b) or (c) above is to be determined, or breach thereof excused, by the AOC in its sole and absolute discretion.

- (8) undergo medical assessment and testing to the complete satisfaction of the AOC.

Subject to Clause 3, a failure, in the opinion of the AOC, by an Athlete to comply with one or more of the requirements in subclauses (1) to (8) above will render that Athlete ineligible for selection by the AOC.

### **3 Selection**

The AOC has the sole and absolute discretion:

- (1) to determine whether an Athlete (or team where applicable) has met the requirements of this Selection Criteria;
- (2) to determine whether an Athlete (or team where applicable) who has not met the requirements of this Selection Criteria is still eligible for selection by the AOC;
- (3) to determine whether an Athlete (or team where applicable) should not be selected for membership of the 2012 Australian Olympic Team, notwithstanding that the Athlete (or team where applicable) has met the requirements of these Selection Criteria; and
- (4) to determine whether or not it should select the maximum number of Athletes (or teams where applicable) permitted by the Qualification System, notwithstanding the number of Athletes who may have met the requirements of these Selection Criteria and/or the Qualification System.

### **4 No Extenuating Circumstances**

For the purposes of determining whether an Athlete (or team where applicable) has met the requirements of these Selection Criteria and/or the requirements imposed by the Qualification System, the AOC will not have regard to any extenuating circumstances which may have been relevant to the nomination of the Athlete. The extent which Rowing Australia Inc may consider extenuating circumstances, if at all, is determined by its Nomination Criteria.

### **5 Timing of Nominations**

Nominations by Rowing Australia Inc must be received by the AOC by 10:00am AEST on Friday 22 June 2012. Nominations made after this deadline (or within such further deadline as the AOC may allow) will be invalid unless made pursuant to a direction or award in respect of an appeal against non-nomination to the Rowing Australia Inc Appeal Tribunal or the Court of Arbitration for Sport pursuant to the AOC's Selection By-Law and which appeal had been commenced prior to the deadline for receipt of nominations by the AOC.

The deadline for receipt of nominations by the AOC applies irrespective of any deadline prescribed under the Qualification System or by the Organising Committee for the 2012 Olympic Games.

### **6 Amendments**

These Selection Criteria may be amended by the AOC from time to time as necessary. Any amended Selection Criteria will be made available on the AOC's website ([www.olympics.com.au](http://www.olympics.com.au)) and Athletes will be notified by Rowing Australia Inc.

### **7 Interpretation**

Words used in these Selection Criteria have the same meaning ascribed to them in the AOC's Selection By-Law unless a contrary meaning appears from the context.

For the purposes of these Selection Criteria the phrase "Qualification System" means the Fédération Internationale des Sociétés d'Aviron (FISA) qualifying system for the XXXth Olympiad in London 2012 for Rowing.

### **8 Law**

This document is governed by the laws applicable in the State of New South Wales.

**AUSTRALIAN OLYMPIC COMMITTEE**  
(ABN 33 052 258 241)  
(Registered Number A0004778J)

**OLYMPIC TEAM SELECTION BY-LAW**

**1. DEFINITIONS & INTERPRETATION**

1.1 In this By-Law, the following words have the following respective meanings:

<b>“AOC Anti-Doping By-Law”</b>	means AOC Anti-Doping By-Law as in force from time to time.
<b>“Athlete”</b>	means those athletes who: <ul style="list-style-type: none"> <li>(a) participate in a particular sport;</li> <li>(b) are recognised by the NF controlling that sport in Australia as competitors suitable and eligible for nomination to the AOC for selection in a Team;</li> <li>(c) have signed a Consent to Shadow Team Membership Form annexed to the Nomination Criteria; and</li> <li>(d) if a minor, has also provided a Parents/Guardians Acknowledgment for Minors Form signed by a parent or guardian in the form annexed to the Nomination Criteria.</li> </ul>
<b>“CAS”</b>	means the Court of Arbitration for Sport.
<b>“CAS Costs”</b>	means the costs and expenses of the Court of Arbitration for Sport of and incidental to an appeal to the Court of Arbitration for Sport as provided for in clause 12.
<b>“Games”</b>	means an Olympic Games and Olympic Winter Games.
<b>“IF”</b>	means an International Federation.
<b>“NF”</b>	means a National Federation.
<b>“Nomination Criteria”</b>	means the criteria in respect of a particular sport adopted by the NF controlling that sport in Australia for the nomination of Athletes to the AOC for selection as a member of a Team.
<b>“Officials”</b>	means the armourers, assistant section managers, boatmen, chiropractors, coaches, conditioners, farriers, gear stewards, grooms, massage therapists, medical practitioners, mechanics, meteorologists, nutritionists, physiotherapists, psychologists, section managers, shipwrights, sports scientists, technicians, veterinarians and other officials of the Team;
<b>“Party”</b>	means an Athlete or National Federation who or which is a party to an appeal to the Court of Arbitration for Sport as provided for in clause 11.
<b>“Qualification System”</b>	means the participation and qualification criteria howsoever named for a particular sport in respect of a particular Games and any other conditions regarding eligibility to compete in those Games as

	determined from time to time by the IOC and the IF controlling that sport and in accordance with the requirements of the Olympic Charter.
<b>“Selection Criteria”</b>	means the criteria in respect of a particular sport adopted by the AOC for selection for Athletes as members of a particular Team.
<b>“Shadow Team”</b>	means those Athletes who are recognised by the AOC as potential members of a particular Team.
<b>“Team”</b>	means an Australian Olympic Team or an Australian Olympic Winter Team.
<b>“Team Member”</b>	means an Athlete or Official selected by the AOC as a member of a particular Team;
<b>“Team Membership Agreement”</b>	means the AOC’s Australian Team Membership Agreement for Athletes or Officials for a particular Games in respect of which they have been selected.
<b>“Written Notice”</b>	means notice in writing by letter, facsimile, email or other written means of communication.

1.2 This By-Law is to be interpreted as follows:

- (1) Words not defined in this By-Law have the meaning ascribed to them in the Constitution of the AOC unless a contrary meaning appears from the context.
- (2) Unless the context otherwise requires, reference to:
  - (a) the singular includes the plural and the plural includes the singular and words importing one gender include the others;
  - (b) persons include incorporated and unincorporated bodies, partnerships, joint ventures and associations and vice versa and their legal personal representatives, successors and permitted assigns and substitutes; and
  - (c) a party includes the party’s executors, administrators, successors and permitted assigns and substitutes.
- (3) To the extent that this By-Law is inconsistent with the Code of Sports – Related Arbitration of the Court of Arbitration for Sport, this By-Law prevails and amends the Code to that extent.
- (4) If a person to whom this By-Law applies consists of more than one person, then this By-Law binds them jointly and severally.
- (5) A reference to time, day or date by which an obligation or act must be performed or otherwise is to time, day or date of Sydney, Australia.
- (6) The meaning of general words is not limited by specific examples introduced by including, for example or similar expressions.
- (7) A rule of construction does not apply to the disadvantage of a party because the party was responsible for the preparation of the document or any part of it;
- (8) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- (9) Headings are for convenience only and do not form part of this By-Law or affect its interpretation.

## 2. APPLICATION OF THIS BY-LAW

This By-Law applies to:

- (1) Athletes;
- (2) Officials;
- (3) NFs; and
- (4) the AOC.

### 3. SHADOW TEAM

3.1 Each NF will:

- (1) advise the AOC of the Athletes who consent to being members of the Shadow Team within its sport;
- (2) provide or make available to each Athlete and all other individuals and organisations with a legitimate interest in the nomination and selection procedures for a particular Games:
  - (a) the AOC's Guide to Olympic Team Selection;
  - (b) its Nomination Criteria (and all amendments thereto) adopted in respect of selection to a particular Team pursuant to clause 5;
  - (c) the Selection Criteria for the sport controlled by the NF in respect of selection to a particular Team; and
  - (d) this AOC Olympic Team Selection By-Law.
- (3) cause each such Athlete to sign a Consent to Shadow Team Membership Form, provide a copy to the AOC and retain the original signed Consent Form; and

in accordance with the time frames advised by the AOC to each NF from time to time in respect of a particular Games.

3.2 The AOC will recognise each Athlete of which it is advised pursuant to clause 3.1 as a member of the Shadow Team in respect of a particular Games on condition that each Athlete:

- (1) is and continues to be eligible to participate in a particular Games as an Australian competitor pursuant to the applicable Qualification System unless expressly agreed otherwise in writing by the AOC on an Athlete by Athlete basis;
- (2)
  - (a) has not at any time engaged in conduct (whether publicly known or not and whether before or after the date of selection), which has brought, brings or would have the tendency to bring the Athlete or the Athlete's sport into disrepute or censure, or which is or would have the tendency to be inconsistent with, contrary to or prejudicial to the best interests, image or values of the AOC or Team Sponsors, or as a result of which the Athlete's membership would not be or would not likely be in the best interests of the Australian Olympic Team or Shadow Team;
  - (b) has not at any time (whether before or after the date of selection) been convicted of, or charged with, any serious offence involving violence, alcohol or drugs, or any sex offence, or any offence relating to any betting or gambling activities on sport, or any offence which is punishable by imprisonment;
  - (c) has and will continue to honestly and fully disclose information to the Athlete's NF and the AOC concerning any conduct that might be in breach of (a) or (b) above or concerning any criminal offence of whatever nature, with which the Athlete has been charged, or of which the Athlete has been convicted, and consents to the Athlete's NF and the AOC making enquiries to relevant authorities for any details of

the Athlete's criminal record (if any), including details of any charges pending or any spent convictions disclosable by law, and consents to those authorities providing that information in answer to those enquiries; and

- (d) acknowledges that any matter arising under (a), (b) or (c) above is to be determined, or breach thereof excused, by the AOC in its sole and absolute discretion.
  - (3) has not breached the AOC Anti-Doping By-Law, unless the Athlete has already been sanctioned for the breach and has completed the sanction imposed;
  - (4) has been available for sample collection and has provided accurate and up to date whereabouts information on a regular basis to the Athlete's NF and as that NF directs pursuant to the World Anti-Doping Code; and
  - (5) has not breached the AOC Ethical Behaviour By-Law.
- 3.3 The AOC may recognise an Athlete as a member of a Shadow Team in respect of a particular Games notwithstanding that the Athlete has not been chosen as such by the relevant NF. In such case, the recognition of the Athlete concerned will be conditional on the Athlete signing a Consent to Shadow Team Membership Form.
- 3.4 Similarly, the AOC may exclude an Athlete from being a member of a Shadow Team in respect of a particular Games notwithstanding that the Athlete has been chosen by the relevant NF. In such case, the AOC shall advise the Athlete and the relevant NF of this decision and the basis upon which the decision has been made. This decision is within the AOC's sole and absolute discretion and is deemed to be a non-selection decision for the purpose of Clause 11 and in particular Clauses 11.14 and 11.15 of this By-Law.

**4. SELECTION CRITERIA**

4.1 In respect of each sport on the programme of a Games and for each Games, the AOC will adopt Selection Criteria and will forward a copy of the same to the NF for the relevant sport.

4.2 The Selection Criteria will, at all times, be subject to any applicable Qualification System. In the event that the Selection Criteria are inconsistent in any way with any applicable Qualification System, the latter will prevail to the extent of that inconsistency. The Selection Criteria are not inconsistent with any applicable Qualification System merely because the Selection Criteria impose a higher qualification standard or lesser number of participants than as stated in any applicable Qualification System.

**5. NOMINATION CRITERIA**

5.1 In respect of each Team and subject to the prior written approval of the AOC, each NF will adopt Nomination Criteria by the latter of:

- (1) a reasonable time (and as a guide 12 months) prior to its first nomination event for the relevant Games; or
- (2) such other date as the AOC may in its absolute discretion determine for a particular sport, discipline or event for the relevant Games or categories of sports, disciplines or events for those Games.

AOC approval may be given subject to such conditions as the AOC determines.

5.2 Nomination Criteria in respect of a particular Team will be at all times subject to:

- (1) the applicable Qualification System; and
- (2) the applicable Selection Criteria.

In the event that the Nomination Criteria are inconsistent in any way with the applicable Qualification System and the Selection Criteria, the latter will prevail to the extent of that inconsistency.

5.3 An NF must not alter or amend any Nomination Criteria without the prior written approval of the AOC.

5.4 Each NF must apply its Nomination Criteria:

- (1) fairly so as to ensure that no Athlete is nominated to the AOC where another Athlete is or other Athletes are entitled to be nominated in priority; and
- (2) to determine which Athletes the NF will nominate to the AOC to participate in disciplines or team events where:
  - (a) under the applicable Qualification System for a Games the AOC has qualified to participate in an event and there is a need to determine the Athlete or Athletes who will be nominated to participate in that event; and
  - (b) the number of Athletes who have satisfied the requirements of clause 6.1 exceed the number(s) permitted under clause 6.2.

5.5 Each NF must promptly develop and submit to the AOC for its approval its policy for assisting and counselling Athletes seeking nomination and selection and must not alter or amend this policy without the prior written approval of the AOC. The NF's policy in this regard must conform to best practice and, without limiting this in any way, must require the NF to:

- (1) regularly advise Athletes seeking nomination and selection as to their individual

performances and progress against all applicable criteria;

- (2) counsel unsuccessful aspirants for nomination and selection; and
- (3) fully co-operate with and assist the Tribunal and CAS in any appeal pursuant to clause 11.

## 6. NOMINATION OF ATHLETES

6.1 Only those NFs that have adopted an anti-doping policy that conforms with the World Anti Doping Code pursuant to the AOC's Anti-Doping By-Law may nominate Athletes for selection to a particular Team.

6.2 In respect of nomination to the AOC for selection to a particular Team, each NF will only nominate those Athletes who have:

- (1) demonstrated to the satisfaction of the NF that they are not suffering any physical or mental impairment that would prevent them and each of them from competing in the relevant Games to the highest possible standard;
- (2) demonstrated that they have complied with the applicable Qualification System for the relevant Games (unless expressly agreed otherwise in writing by the AOC on an Athlete by Athlete basis);
- (3) met the applicable Nomination Criteria and in the case of team events or disciplines, the team has qualified under the applicable Qualification System;
- (4) in the case of events or disciplines for individual Athletes, met the applicable Nomination Criteria; and
- (5) signed the Athlete Nomination Form as issued by the AOC from time to time.

6.3 In the case of any event or discipline of a particular Games, an NF may not nominate more Athletes than permitted under the applicable Qualification System or any lesser number(s) as may be:

- (1) stipulated in writing by the AOC; or
- (2) otherwise agreed between the AOC and the NF.

6.4 An NF must not represent that its nomination of any Athlete to the AOC will guarantee or secure selection to the relevant Team.

6.5 Each NF is solely responsible for securing at its cost and expense all permissions and clearances required in respect of its nominated Athletes to participate in the relevant Games. The NF specifically acknowledges that the responsibility and liability of the AOC in respect of injury or illness to any Athlete whilst a member of a Team will be limited in the manner to be described in any applicable Team Membership Agreement.

6.6 In respect of any particular Team, the AOC will advise each NF of the deadline or deadlines as the case may be by which each NF must advise the AOC of its nominations. All nominations by the NF must occur before the applicable deadline, provided that the AOC may at its sole and absolute discretion extend this deadline:

- (1) where a nomination by an NF has been set aside on appeal and, in the AOC's opinion, there is insufficient time to re-nominate Athletes between the date of the appeal decision and the deadline originally advised by the AOC;
- (2) where an appeal against non-nomination has been commenced prior to the initial applicable deadline, to allow an NF to make a nomination to the AOC subsequent to and consistent with the outcome of the appeal; or

- (3) where the AOC considers it is in the best interests of the Team.

## **7. PART 10 SELECTION OF ATHLETES**

7.1 Selection of Athletes to a Team will be conducted solely by the AOC according to the applicable Selection Criteria.

7.2 Selection of each Athlete to a particular Team will be conditional upon the AOC confirming to its own satisfaction that the Athlete has met the Nomination Criteria and the Selection Criteria and that the Athlete:

- (1) has signed the applicable Team Membership Agreement for that Team;
- (2) has continued to satisfy the applicable Qualification System (unless expressly agreed otherwise in writing by the AOC on an Athlete by Athlete basis);
- (3)
  - (a) has not at any time engaged in conduct (whether publicly known or not and whether before or after the date of selection), which has brought, brings or would have the tendency to bring the Athlete or the Athlete's sport into disrepute or censure, or which is or would have the tendency to be inconsistent with, contrary to or prejudicial to the best interests, image or values of the AOC or Team Sponsors, or as a result of which the Athlete's membership would not be or would not likely be in the best interests of the Australian Olympic Team;
  - (b) has not at any time (whether before or after the date of selection) been convicted of, or charged with, any serious offence involving violence, alcohol or drugs, or any sex offence, or any offence relating to any betting or gambling activities or on sport, or any offence which is punishable by imprisonment;
  - (c) has and will continue to honestly and fully disclose information to the Athlete's NF and the AOC concerning any conduct that might be in breach of (a) or (b) above or concerning any criminal offence of whatever nature, with which the Athlete has been charged, or of which the Athlete has been convicted, and consents to the Athlete's NF and the AOC making enquiries to relevant authorities for any details of the Athlete's criminal record (if any), including details of any charges pending or any spent convictions disclosable by law, and consents to those authorities providing that information in answer to those enquiries; and
  - (d) has acknowledged that any matter arising under (a), (b) or (c) above is to be determined, or breach thereof excused, by the AOC in its sole and absolute discretion.
- (43) has not breached the AOC Anti-Doping By-Law, unless the Athlete has already been sanctioned for the breach and has completed the sanction imposed;
- (5) has been available for sample collection and has provided accurate and up to date whereabouts information on a regular basis to the Athlete's NF and as that NF directs pursuant to the World Anti Doping Code;
- (6) has achieved results of medical assessment and testing to the complete satisfaction of the AOC; and
- (7) has satisfied any additional preconditions advised in writing to the Athlete by the AOC prior to or at the time of selection.

## **8. SELECTION OF OFFICIALS**

8.1 The selection by the AOC of Officials to any Team will be solely conducted by the AOC in its absolute discretion.

- 8.2 The AOC may advise NFs in respect of any Team of the AOC's determination of the number of Officials that may be selected as members of the Team and the positions available to Officials. Any requirements of the AOC concerning Officials are guidelines only and are not nomination or selection criteria. The AOC may amend these requirements at any stage, whether generally or specifically to an individual Official's position.
- 8.3 Each NF will develop standards to govern the NF's nomination of Officials to the AOC for selection as members of a particular Team. These standards will be subject to the approval of the AOC and must be provided to the AOC no later than 12 months prior to the Games in which the Team will participate.
- 8.4 NFs may nominate to the AOC persons the NF considers suitable for selection as Officials of a Team but in so doing will only nominate those persons it believes:
- (1) are suitable and qualified to fill the required positions in respect of the section of the Team concerning the sport controlled by the NF;
  - (2) has capabilities, skills and experience that accord with the requirements of the AOC as advised from time to time; and
  - (3) will work efficiently and harmoniously with the Chef de Mission and Deputy Chefs de Mission of the relevant Team appointed by the AOC.
- 8.5 All nominations of Officials by an NF must be on the form issued from time to time by the AOC.
- 8.6 The AOC may select any person as an Official of a particular Team and is not obliged to follow the nominations of any NF.
- 8.7 The selection of each Official will be conditional upon him or her signing the applicable Team Membership Agreement for the Team to which the Official is selected.
- 8.8 There is no appeal against any Official's selection or non-selection by the AOC.

## **9. OLYMPIC APPEALS CONSULTANTS**

For each Games, the AOC will appoint one or more independent senior lawyers (each designated "the Olympic Appeals Consultant"). They will be available to discuss with an Athlete, who may have appealed or may wish to appeal, the reasons for non-nomination by the NF to the AOC or non-selection by the AOC, after the Athlete has discussed the reasons with those responsible for counselling under clause 5.5(2). Each Olympic Appeals Consultant will not provide legal advice to Athletes concerning the prospects of success of any appeal but will ensure that the Athlete fully understands the reasons for the decision in question, and the process of any appeal and will facilitate a consultative process between the Athlete and the NF or the AOC as the case may be. The AOC and the NF will fully co-operate with each Olympic Appeals Consultant.

## **10. NF APPEALS TRIBUNALS**

- 10.1 Each NF must establish an Appeals Tribunal that will consist of the following persons appointed by the Board of the NF, with appointments of persons referred to in (1) and (3) from a list co-ordinated by the AOC:
- (1) a barrister or solicitor or other legally qualified person who will act as Chairman;
  - (2) a person with a thorough knowledge of the Sport and who preferably has had recent international competition experience in the Sport; and
  - (3) one other person of experience and skills suitable to the function of the Tribunal and familiar with the Olympic selection process and documentation;

who will constitute a quorum for the purpose of hearing and determining any appeal pursuant to clause

11.1(1), provided that with the consent of all parties to an appeal, the Tribunal may be constituted by two members, one of whom must be a barrister or solicitor or other legally qualified person who will act as Chairman.

10.2 No person appointed by an NF to its Appeals Tribunal may hear and consider any appeal pursuant to clause 11.1(1) if he or she is a member of the Board of the NF or its selection panel or if by reason of his or her relationship with:

- (1) the appellant;
- (2) any member of the Board of the NF;
- (3) any member of the NF's selection panel; or
- (4) any persons whose interests may be affected by the outcome of the appeal;

he or she would be reasonably considered to be other than impartial.

10.3 Should an appellant or other party to an appeal challenge the impartiality of any member of the Appeals Tribunal, the challenge will be determined by the Chairman sitting alone.

10.4 Each Appeals Tribunal will be bound by the following requirements:

- (1) it must observe the principles of natural justice;
- (2) it is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;
- (3) it will conduct its hearings with as little formality and technicality and with as much expedition as the proper consideration of the matter permits;
- (4) hearings may occur in such manner as the Chairman decides, including telephone or video conferencing;
- (5) each appellant must establish one or more grounds of appeal to the reasonable satisfaction of the Tribunal with full regard to the importance and gravity of the issue;
- (6) the parties to an appeal will not be entitled to be represented by a barrister or solicitor save with the leave of the Appeals Tribunal, which leave will only be given in exceptional circumstances and, if given, may be given unconditionally or on such conditions as the Appeals Tribunal thinks fit;
- (7) if a question of law arises during the course of a hearing, the parties may seek an adjournment in order to obtain legal advice;
- (8) it will give its decision, and may give an oral decision, on any appeal as soon as practicable at the conclusion of or after the hearing, and will provide the chief executive officer of its NF, the appellant and other parties to the appeal with a statement of the reasons for its decision as soon as practicable after the hearing; and
- (9) whilst the Appeals Tribunal will as a matter of usual practice refer the question of re-nomination back to the relevant NF for determination in accordance with the applicable Nomination Criteria, where it determines to uphold any appeal against the non-nomination of an Athlete, then it may itself conclusively determine the issue of re-nomination where:
  - (a) it has determined that:
    - (i) it would be impractical to refer the issue of re-nomination back to the NF in the time available in which entries to the Games must be submitted by the AOC; or

- (ii) there has been such a disregard of the Nomination Criteria by or on behalf of the NF that a reasonable person could reasonably conclude that it is unlikely the Nomination Criteria will be properly followed and/or implemented; and
- (b) prior to making the determination in paragraph (a), it has advised the parties and all persons whose interests may be affected by the outcome of the appeal of:
  - (i) the possibility of it making such a determination; and
  - (ii) that it may itself conclusively determine the issue of re-nomination; and

permitting the parties and all such persons the opportunity to make submissions and give evidence in respect thereof.
- (10) Where the Appeals Tribunal refers the question of re-nomination back to the relevant NF for determination in accordance with the applicable NF Nomination Criteria and the Appeals Tribunal's reasons to uphold the appeal, the NF determination of re-nomination after such referral will be final and binding on the Athletes, and all other persons whose interests may be affected, subject to any appeal to CAS from that determination as provided in Clause 11.14.

## **11. APPEALS PROCESS FOR ATHLETES**

- 11.1 Any appeal or dispute regarding an Athlete's nomination or non-nomination by an NF to the AOC will be addressed according to the following procedure:
  - (1) the appeal or dispute will be first determined by the Appeals Tribunal established by the NF controlling the relevant sport pursuant to clause 10; and
  - (2) any appeal from the determination of the Appeals Tribunal under clause 11.1(1) will be heard by the Appeals Arbitration Division of CAS.
- 11.2 In the event that there is more than one appeal to an Appeals Tribunal or to CAS that impacts upon the nomination (or selection) of a team to compete in a Games as part of a team sport, or in respect of the same position for an individual Athlete, then such appeals must so far as is practicable be consolidated and heard together.
- 11.3 If the Appeals Tribunal or CAS is of the view that the outcome of an appeal against non-nomination, re-nomination, non-selection or re-selection may affect the interests of any person in addition to the appellant, it must, so far as is practicable, require that notice be given to such other person and will permit that person to participate in the hearing of the appeal as an affected party, to make submissions and to be bound by the award. The AOC is an interested party to any such appeal to CAS and the parties are required to provide the AOC with the relevant appeal papers and permit the AOC to participate and make submissions at the hearing of the appeal.
- 11.4 Should a person who receives notification pursuant to the preceding clause 11.3 elect not to participate in the hearing as an affected party and be bound by the decision then, that person will forfeit his or her right of appeal against the decision.
- 11.5 The sole grounds for any appeal to an Appeals Tribunal are that:
  - (1) the applicable Nomination Criteria have not been properly followed and/or implemented;
  - (2) the appellant was not afforded a reasonable opportunity by the NF to satisfy the applicable Nomination Criteria;
  - (3) the nomination decision was affected by actual bias; or

- (4) there was no material on which the nomination decision could reasonably be based.
- 11.6 Subject to clause 11.9, any appeal by an Athlete against non-nomination to the AOC must be made to the Appeals Tribunal. Any appeal must accord with the following procedure:
- (1) the appellant must serve a written Notice of Appeal upon the chief executive officer of the relevant NF or its authorised delegate within 48 hours of the appellant having received written notice of the decision against which the appeal is made (or within such time as the chief executive officer of the relevant NF or its authorised delegate may allow); and
  - (2) the appellant must serve a written notice of the Grounds of Appeal, accompanied by a non-refundable deposit of \$100 payable to the NF, upon the chief executive officer of the relevant NF or its authorised delegate, by no later than the close of business 5 working days after serving the Notice of Appeal (or within such time as the chief executive officer of the relevant NF or its authorised delegate may allow).
- 11.7 Within 48 hours of the NF having been served the Notice of Appeal, the NF's selection panel must serve the appellant with a written statement as to the reasons for the decision against which the appeal is made, and at the hearing of the appeal the NF may make any oral submissions to support those reasons.
- 11.8 The decision of the Appeals Tribunal will be binding on the parties and, subject only to any appeal to CAS pursuant to clause 11.11, it is agreed that neither party will institute or maintain proceedings in any court or tribunal other than the said Appeals Tribunal. In particular, and without restricting the generality of the foregoing and for further and better assurance notwithstanding that such provisions have no applicability, there will be no right of appeal under sections 34 and 34A of the Commercial Arbitration Act, 2010 (NSW) or equivalent in any of the Australian states or territories or to apply for the determination of a question of law under section 27I of such Act or equivalent in any of the Australian states or territories.
- 11.9 Where an Athlete wishes to appeal a decision against non-nomination and the relevant NF so agrees in writing, the appeal to the Appeals Tribunal may be directly referred to the Appeals Arbitration Division of CAS and in which instance the Grounds of Appeal must be one or more of the grounds described in clause 11.5 and the CAS panel will be vested with the powers of the Appeals Tribunal.
- In such instance,
- (1) the appeal will be solely and exclusively resolved by CAS according to the Code of Sports-Related Arbitration and applying the law of New South Wales ;
  - (2) CAS may extend the time limits set out in clause 11.6;
  - (3) the provisions of clause 11.12 will apply to any such appeal in so far as they are relevant;
  - (4) there will be no subsequent appeal from the decision of CAS;
  - (5) the parties consent to the Grounds of Appeal, the names of the arbitrators and the date for hearing being made public and the award and the reasons being made public.
- 11.10 The sole grounds for any appeal against a decision of the Appeals Tribunal are:
- (1) that there was a breach of the rules of natural justice by the Appeals Tribunal; or
  - (2) that the decision of the Appeals Tribunal was in error on a question of law.
- 11.11 Subject to this By-Law, any appeal from a decision of the Appeals Tribunal must be solely and exclusively resolved by the Appeals Arbitration Division of CAS according to the Code of Sports-Related Arbitration and applying the law of New South Wales.

- 11.12 The decision of CAS will be final and binding on the parties and it is agreed that neither party will institute or maintain proceedings in any court or tribunal other than CAS. In particular, and without restricting the generality of the foregoing and for further and better assurance notwithstanding that such provisions have no applicability, there will be no right of appeal under sections 34 and 34A of the Commercial Arbitration Act, 2010 (NSW) or equivalent in any of the Australian states or territories or to apply for the determination of a question of law under section 27I of such Act or equivalent in any of the Australian states or territories.
- 11.13 An Athlete wishing to appeal to CAS against a decision of an Appeals Tribunal must serve a written Notice of Appeal to CAS, upon the chief executive officer of the NF or its authorised delegate, within 48 hours of the Athlete having received written notice of the Appeals Tribunal decision (or within such time as the chief executive officer or its authorised delegate may allow) and must then file a Statement of the Grounds of Appeal with CAS by no later than the close of business 5 working days after serving the Notice of Appeal (or within such time as CAS may allow). An extension of time may be granted under this clause only in extenuating circumstances outside the control of the Athlete concerned.
- 11.14 Subject to the Olympic Charter and this By-Law, any appeal or dispute, regarding an Athlete's selection or non-selection as a member of a Team or Shadow Team by the AOC, or regarding re-nomination under clause 10.4(10) or clause 11.19 by the NF or re-selection under clause 11.20 by the AOC, will be solely and exclusively resolved by the Appeals Arbitration Division of CAS according to the Code of Sports-Related Arbitration and applying the law of New South Wales. The decision of CAS will be final and binding on the parties and no party will institute or maintain proceedings in any court or tribunal other than CAS. In particular, and without restricting the generality of the foregoing and for further and better assurance notwithstanding that such provisions have no applicability, there will be no right of appeal under sections 34 and 34A of the Commercial Arbitration Act, 2010 (NSW) or equivalent in any of the Australian states or territories or to apply for the determination of a question of law under section 27I of such Act or equivalent in any of the Australian states or territories.
- 11.15 An Athlete wishing to appeal to CAS against non-selection to a Team or Shadow Team by the AOC, or re-nomination or re-selection as the case may be, must serve a written Notice of Appeal to CAS upon the AOC Secretary-General or Director of Sport within 48 hours of having received written notice of the decision (or within such time as the AOC Secretary-General or Director of Sport may allow) and must then file a Statement of the Grounds of Appeal with CAS by no later than the close of business 5 working days after serving the Notice of Appeal (or within such time as CAS may allow).
- 11.16 The sole grounds of appeal against non-selection, re-nomination or re-selection are that the decision:
- (1) was affected by actual bias; or
  - (2) is obviously or self-evidently so unreasonable or perverse that it can be said to be irrational.
- 11.17 All appeals to CAS will be heard by a panel comprising three arbitrators, unless the parties agree to a sole arbitrator pursuant to R50 of the Code of Sports-Related Arbitration. The parties consent to the Grounds of Appeal, the names of the arbitrators and the date of hearing being made public and the award and the reasons being made public.
- 11.18 The power of the CAS panel to review the facts and the law pursuant to Rule 57 of the Code of Sports Related Arbitration will be initially limited to determining whether the appellant has made out one or more of the grounds of appeal pursuant to clauses 11.10 or 11.16 as appropriate.
- 11.19 If CAS determines to uphold any appeal against non-nomination of an Athlete, it will as a matter of usual practice refer the question of re-nomination back to the relevant NF selection panel for determination in accordance with the applicable Nomination Criteria. CAS may itself conclusively determine the issue of re-nomination where CAS:
- (1) has determined that:

- (a) it would be impractical to refer the issue of re-nomination back to the NF in the time available in which entries to the Games must be submitted by the AOC; or
  - (b) that there has been such a disregard of the Nomination Criteria by or on behalf of the NF that a reasonable person could reasonably conclude that it is unlikely the Nomination Criteria will be properly followed and/or implemented; and
- (2) prior to making the determination in paragraph (1), has advised the parties and all persons whose interests may be affected by the outcome of the appeal of:
- (a) the possibility of it making such a determination; and
  - (b) that it may itself conclusively determine the issue of re-nomination; and
- permitting the parties and all such persons the opportunity to make submissions and give evidence in respect thereof.

Where CAS refers the question of re-nomination back to the relevant NF for determination in accordance with the applicable Nomination Criteria and the reasons for CAS' determination to uphold the appeal, the NF determination of re-nomination after such referral will be final and binding on the Athletes and all other persons whose interests may be affected, subject to any appeal to CAS as provided in Clause 11.14.

11.20 If CAS determines to uphold any appeal against non-selection of an Athlete, it will as a matter of usual practice refer the question of re-selection back to the AOC for determination in accordance with the applicable Selection Criteria and this AOC Olympic Team Selection By-Law. CAS may itself conclusively determine the issue of re-selection where CAS:

- (1) has determined that it would be impractical to refer the issue of re-selection back to the AOC in the time available in which entries to the Games must be submitted by the AOC; and
- (2) prior to making the determination in paragraph (1), it has advised the parties and all persons whose interests may be affected by the outcome of the appeal of:
  - (a) the possibility of it making such a determination;
  - (b) that it may itself conclusively determine the issue of re-selection; and
 permitting the parties and all such persons the opportunity to make submissions and give evidence in respect thereof.

11.21 If CAS determines to uphold any appeal against re-nomination or re-selection, it will conclusively determine the issue of re-nomination or re-selection as the case may be once and for all between the parties, subject to permitting the parties and all persons who may be affected by the determination, the opportunity to make submissions and give evidence in respect thereof.

## **12. COSTS AND EXPENSES OF APPEAL PROCESS**

Under Rule 64 of the Code of Sports-related Arbitration, CAS determines which party will bear the costs of any appeal or in which proportion the parties will share these costs and expenses.

In all appeals to CAS pursuant to this By-Law, the following provisions will apply with regard to the costs of the appeal under Rules 64 of the Code of Sports-related Arbitration.

### **12.1 CAS Appeal where there is a Sole Arbitrator**

- (1) Where the parties have agreed to a sole arbitrator pursuant to clause 11.17, any party instituting the appeal (whether under clauses 11.9, 11.11 or 11.14) must pay the CAS appeal fee of \$500 associated with the appeal. The AOC will pay the CAS Costs which, by agreement between CAS and the AOC, are fixed at \$2,500.
- (2) If such an appeal is successful the AOC will reimburse the application fee of \$500 to the

party who paid it.

- (3) If such an appeal is unsuccessful, the AOC will not reimburse the application fee and, in its absolute discretion, the AOC may also require the unsuccessful party to repay to the AOC one half of the CAS Costs referred to in clause 12 (1), namely \$1,250.

## **12.2 CAS Appeal to a Panel of Three Arbitrators**

- (1) Where the parties do not agree to a sole arbitrator as provided for in clause 11.17, any party instituting the appeal (whether under clauses 11.9, 11.11 or 11.14) must pay the CAS application fee of \$500 associated with that appeal. The AOC will contribute the sum of \$2,500 towards the CAS Costs and the parties shall, subject to any award of CAS to the contrary, be liable to pay to CAS, in equal shares, any CAS Costs in excess of \$2,500.
- (2) In the event that CAS requires payment in advance of the estimated CAS Costs, the parties shall make such advance payment in equal shares.
- (3) As part of its award in respect of any appeal heard by a panel of three of its arbitrators, CAS may make a ruling regarding the payment of the CAS Costs in excess of \$2,500 including a ruling that one party reimburse to the other party on account of estimated CAS Costs.
- (4) If the appeal to the three member CAS panel is successful, the AOC will reimburse the application fee of \$500 to the party who paid it.
- (5) If the appeal to the three member CAS panel is unsuccessful, the AOC will not reimburse the application fee and, in its absolute discretion, the AOC may also require the unsuccessful party to repay to the AOC one half of the contribution towards the CAS Costs which the AOC has made pursuant to clause 12 (4), namely a reimbursement of \$1,250.

## **12.3 Provisions Applicable to all Appeals**

- (1) In consideration of the AOC's commitments contained in clause 12(1) and 12(4), in any appeal before CAS (whether under clauses 11.9, 11.11 or 11.14) the costs of the successful party will be limited to the sum of \$5,000 under any award by CAS on a contribution towards that successful party's legal costs (being costs other than any CAS Costs paid or payable by the successful party).
- (2) In determining whether to make a ruling in any award that one party makes any, and if so what, contribution towards the CAS Costs (to the extent that those CAS Costs have not been paid by the AOC or contributed to by the AOC as provided for in clause 12(1) and 12(4)) CAS will have particular regard to:
  - (a) whether and to what extent the Athlete concerned has utilized an Olympic Appeals Consultant before commencing his or her appeal;
  - (b) whether and to what extent the NF concerned has co-operated with and assisted any Olympic Appeals Consultant utilized by the Athlete concerned;
  - (c) whether and to what extent the successful party's relevant factual and legal position had been disclosed to the other party or parties prior to the commencement of the appeal;
  - (d) the failure of any party to fully disclose his, her or its relevant factual and legal position to the other party before or at the commencement of the appeal; and
  - (e) the matters referred to in R64.5 and such other matters as the CAS panel deems relevant.

## **13. INDEMNITY**

Each NF must indemnify the AOC and its directors, officers, employees, servants and agents from and against all claims, demands, actions, proceedings, costs and expenses (including reasonable legal costs

calculated on a solicitor and client basis) and liability to third parties arising out of or incidental to any breach of this By-Law by the NF.

The AOC must indemnify each NF and its directors, officers, employees, servants and agents from and against all claims, demands, actions, proceedings, costs and expenses (including reasonable legal costs calculated on a solicitor and client basis) and liability to third parties arising out of or incidental to any breach of this By-Law by the AOC.

#### 14. APPLICATION OF LAWS

This By-Law is governed by the laws applicable in the State of New South Wales.

**ADOPTED** as a By-Law of the AOC by the Executive on 1 February 2002

**AMENDED** by the Executive on 22 March 2002  
**EFFECTIVE** immediately

**AMENDED** by the Executive on 21 March 2003  
**EFFECTIVE** immediately

**AMENDED** by the Executive on 19 June 2003  
**EFFECTIVE** immediately

**AMENDED** by the Executive on 20 November 2003  
**EFFECTIVE** immediately save for the continued application of Clause 5.1 in respect of nomination and selection of athletes for the Games of the XXVIIIth Olympiad

**AMENDED** by the Executive on 3 June 2004  
**EFFECTIVE** immediately

**AMENDED** by the Executive on 19 November 2004  
**EFFECTIVE** immediately

**AMENDED** by the Executive on 18 November 2005  
**EFFECTIVE** immediately

**AMENDED** by the Executive on 20 March 2008  
**EFFECTIVE** immediately

**AMENDED** by the Executive on 30 June 2008  
**EFFECTIVE** immediately

**AMENDED** by the Executive on 21 November 2008  
**EFFECTIVE** immediately

**AMENDED** by the Executive on 21 April 2009  
**EFFECTIVE** immediately

**AMENDED** by the Executive on 19 August 2011  
**EFFECTIVE** immediately



# NATIONAL ROWING CENTRE OF EXCELLENCE



c/o AIS Rowing, PO Box 176, Belconnen ACT 2616 | P +61 2 6260 4724 | F +61 2 6285 2813

## 2011 – 2012 Event Requirements

### Senior A World Cup Tour 2012 & Olympic Team Nomination

#### Background:

The Rowing Australia (RA) 2012 Selection Policy Handbook outlines the broad selection and Olympic nomination criteria for all rowers and coxes, and can be viewed on the RA Website.

These Event Requirements operate as an appendix to the RA 2012 Selection Policy Handbook and outline the activities that athletes and coxes must complete (subject to Extenuating Circumstances) to be eligible for:

- Selection consideration for the Australian Senior A Team to compete at World Cup II in Lucerne, Switzerland, and World Cup III in Munich, Germany.
- Nomination to the Australian Olympic Committee (AOC) of Athletes for selection in the 2012 Australian Olympic Team.

The Selectors will consider performances as outlined in these Event Requirements and in accordance with the Selection Criteria outlined in Part 3 of the 2012 Selection Policy Handbook.

#### Specific Details:

##### October 2011:

3 October 2011	RA Target date for Shadow Team members to be in full training post the 2011 World Championships.
10 – 12 October 2011	National Power Profile Ergometer Testing (2011 Senior A team member exempt) (refer to Note 3 below)
17 – 21 October 2011	National 7 x 4min Step Test (refer to Note 3 below)
19 – 23 October 2011	Domestic NTC Long Distance Time Trial (refer to Note 2 below)
25 October 2011	Release of Olympic Prospective Team list
28 October 2011	Closing date for completion of RA 2012 Senior A Nomination Form (Notification) by 5:00pm Canberra time (refer to Note 1 below).



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## November 2011:

21 - 26 November 2011	National Senior Camp – Women’s heavyweight sweep and scull (Canberra)  National Senior Camp – Women’s lightweight (Canberra)  (refer to Note 4 below)
23 - 27 November 2011	Domestic NTC Long Distance Time Trial (refer to Note 2 below)
28 November - 3 December 2011	National Senior Camp – Men’s heavyweight sculling (Canberra)  National Senior Camp – Men’s lightweight (Canberra)  (refer to Note 4 below)

## December 2011:

5 – 7 December 2011	National Power Profile Ergometer Testing (refer to Note 3 below)
14 December 2011	Closing date for completion of Nomination Form (Terms and Conditions) by 5:00pm Canberra time (refer to Note 1 below)
15 – 18 December 2011	National Senior A Selection Trials #1 (Penrith) (refer to Notes 5 and 9 below)

## January 2012:

3 January 2012	Expected date for designated Shadow Team members to relocate to agreed squad training locations
9 - 14 January 2012	National Senior Camp – Men’s heavyweight sweep (Canberra) (refer to Note 4 below)
16 - 22 January 2012	National Senior Camp – Women’s heavyweight sweep and scull (Canberra)  National Senior Camp – Women’s lightweight (Canberra)  (refer to Note 4 below)
16 - 28 January 2012	National Senior Camp – Men’s heavyweight sculling (Lake Barrington)  National Senior Camp – Men’s lightweight (Lake Barrington)



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	(refer to Note 4 below)
30 January – 1 February 2012	National Power Profile Ergometer Testing (refer to Note 3 below)
30 January 2012	Confirmation of National Championships entries for Shadow Team Athletes (refer to Note 10 below)

### March 2012:

5 - 11 March 2012	National Championships (Champion Lakes, Perth) <ul style="list-style-type: none"> <li>Athletes are required to race in at least one event (refer to Note 10 below)</li> </ul>
18 – 22 March 2012	Rowing Shadow Team Camp (Penrith)
21 March 2012	One 2000m maximal ergometer test (refer to Notes 3 and 6 below)
23 March – 1 April 2012	National Senior A Selection Trials #2 (Penrith) (refer to Notes 5 and 9 below)

### April 2012:

1 April 2012	Naming of Senior A Team for World Cup Tour 2012
10 April 2012	Final date for Senior A team members to begin training in designated crew/squad training locations

### May 2012:

8 May – 12 May 2012	Senior A team World Cup Simulation (Penrith)
15 May 2012	RA Target date for Senior A team departure to Europe
20 - 23 May 2012	FISA Final Olympic Qualification Regatta, Lucerne, Switzerland (as required).
25 - 27 May 2012	World Cup II, Lucerne, Switzerland

### June 2012:



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15 – 17 June 2012	World Cup III, Munich, Germany
19 June 2012	RA Announcement of National Team Athletes to be nominated to the AOC for selection in the 2012 Australian Olympic Team
22 June 2012	RA Nomination of Athletes to the Australian Olympic Committee

## Notes:

### 1. Athlete Nomination Process:

- a. There are two parts to the RA 2012 Senior A Nomination Form – Notification, and Terms and Conditions.
  - i. The RA 2012 Senior A Nomination Form (Notification) should be completed electronically on the Rowing Australia website: [http://www.rowingaustralia.com.au/about\\_ra\\_policies\\_nsp.shtm](http://www.rowingaustralia.com.au/about_ra_policies_nsp.shtm) in accordance with that form.
  - ii. The RA 2012 Senior A Nomination Form (Terms and Conditions) should be completed, signed and returned in accordance with RA directions. Signed RA 2012 Senior A Nomination Forms (Terms and Conditions) can be sent to RA by e-mail ([czillich@rowingaustralia.com.au](mailto:czillich@rowingaustralia.com.au)), fax (02 6214 1836), or post (PO Box 7147 Yarralumla ACT 2600). The RA 2012 Senior A Nomination Form (Terms and Conditions) is due by 14 December, 2011.
  - iii. Please note that by competing at an RA Event, you undertake and agree to abide and be bound by the terms and requirements of, amongst other things, the 2012 Selection Policy Handbook, this Event Supplement, the RA 2012 Senior A Nomination Form and the RA Policies and Codes of Conduct.

### 2. Domestic NTC Long Distance Time Trials:

- a. These are to be conducted as follows:
  - i. All Athletes to race over a distance as close as practicable to 5 kilometres.
  - ii. For the October and November 2011 NTC Long Distance Time Trials, all Athletes are to race in single sculls.

### 3. Other testing protocols:

- a. National Ergometer testing to be conducted in line with NRCE Power Profile Ergometer Testing protocols as outlined on the RA Website.
- b. National 7 x 4 minute Step Test to be conducted in line with the NRCE Step Test protocols as outlined on the RA Website.

### 4. Invitations to designated National Senior Camps:



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- a. Invitations to National Senior Camps will be issued to all rowing Athletes in the AOC Shadow Team in the respective rowing categories as at that time.
- b. Those invited are expected to attend for the entire camp duration and participate in all designated activities..

## 5. Invitations to designated National Senior A Selection Trials:

- a. Invitations to National Senior A Selection Trials will be issued to all rowing Athletes named in the AOC Shadow Team in the respective rowing categories as at that time.

## 6. Lightweight bodyweight requirements:

- a. Lightweight Athletes are required to be within the following weight ranges for racing, time trials, and any national testing:
  - i. October 2011 – no specified weight, however Athlete’s weights must be recorded and sent to the NRCE when completing racing or testing.
  - ii. November and December 2011 - Athletes must not weigh more than plus 6% of the FISA average weight (i.e. Men 74.2kg and Women 60.4kg).
  - iii. January and February 2012 - Athletes must not weigh more than plus 5% of the FISA average weight (i.e. Men 73.5kg and Women 59.9kg).
  - iv. For racing at the National Championships Athletes must abide by Rowing Australia rules.
  - v. For the March 2012 2000m maximal ergometer test and the March 2012 Senior A Selection Trials, Athletes must nominate their individual competition weight, and compete at no more than this nominated weight (taking into consideration Note 6.vi), or at a weight designated at the sole discretion of the National High Performance Director. This weight must be nominated to the National Selectors no later than 5:00pm Tuesday 20 March 2012.
  - vi. For the March 2012 Senior A National Selection Trials , crews must be on FISA average crew weight of Olympic class events (i.e. Men 70kg and Women 57kg) when completing all racing, or at a weight designated at the sole discretion of the National High Performance Director.
  - vii. The National Selectors will publish race schedules at least 24hrs before the start of the National Selection Trials, and any amended weight requirements (March 2012 Senior A National Selection Trials only).

## 7. Assessment of coxes

- a. Coxes will be assessed in line with the Selection Criteria as outlined in the 2012 Selection Policy Handbook paragraph 3.2.
- b. Coxes are expected to attend National Camps if invited by the Selectors.
- c. At each camp and National Selection Trial, coxes must audio record their dialogue for all specified training sessions and races and presented to the Selectors as soon as possible after each activity for their assessment.



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## 8. Designated Shadow Team squad training locations:

- a. The NRCE will announce designated Shadow Team squad training locations prior to the start of the National Senior A Selection Trials #1 in December.
- b. At the conclusion of the National Senior A Selection Trials #1 the National Selectors will determine all Athletes required to train from these designated training locations.

## 9. Target schedules for Senior A National Selection Trials:

- a. For the December 2011 National Selection Trials, Athletes will be required to compete in the following activities:
  - i. 5km time trial in single sculls (for athletes in sculling categories) or coxless pairs (for Athletes in sweep categories) as designated by the National Selectors
  - ii. Coxless pair combinations will be confirmed by the National Selector no later than Thursday 8 December 2011
  - iii. Racing over 2000m in crew combinations that will be determined by the National Selectors
  - iv. The schedule, including race distance, is subject to weather and any Extenuating Circumstances.
- b. For the March 2012 National Selection Trials, Athletes will be required to compete in the following activities:
  - i. Racing over 2000m in crew combinations that will be determined by the National Selectors
  - ii. The schedule, including race distance, is subject to weather and any Extenuating Circumstances.

## 10. Confirmation of National Championships entries for Athletes

- a. The National Head Coaches, in consultation with the supporting category coaches, will confirm the respective National Championship 2012 entries for Shadow Team Athletes.

**Rowing Australia Limited**  
**Australian National Rowing Team**

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**Appeals Policy**



**2010 - 2012**

(incorporating amendments to [date])

**ROWING AUSTRALIA LIMITED**

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Check the Rowing Australia website at: [www.rowingaustralia.com.au](http://www.rowingaustralia.com.au)  
for important notifications and announcements.

# Rowing Australia Appeals Policy

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**ROWING AUSTRALIA LIMITED****NATIONAL APPEALS POLICY**

2010 - 2012

(incorporating amendments to [date])

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**PART 1 RA Appeals Tribunal**

Important Note: Certain words and expressions, where used in this Appeals Policy have a defined meaning, particular to this document. Please refer to Part 9 – Interpretation of the 2012 Selection Policy Handbook for the meaning of the defined words.

References in this Appeals Policy to provisions are reference to provisions in this Appeals Policy unless specified otherwise.

- 1.1** RA will appoint a Permanent Tribunal Chairperson from time to time and one or more Alternate Tribunal Chairpersons to act from time to time as Tribunal Chairperson of an Appeals Tribunal. RA reserves the right at any time and from time to time to replace or remove any Tribunal Chairperson or fill any casual vacancy, provided that each Tribunal Chairperson will be a Judge or have been admitted to practice as a Barrister or Solicitor in any State or Territory of Australia, or be a retired Judge, barrister or solicitor.
- 1.2** As and when required, RA or the Permanent Tribunal Chairperson at the request of RA will establish an Appeals Tribunal that will consist of the Permanent Tribunal Chairperson or an Alternate Tribunal Chairperson who will act as Tribunal Chairperson.
- 1.3** In the case of any appeal in relation to selection to or removal from a National Team selected for competing at an Olympic Event, or in any other case nominated at the discretion of the RA Board, the Appeal Tribunal will consist of:
- (a) a barrister or solicitor or other legally qualified person who will act as Tribunal Chairperson;
  - (b) a person with a thorough knowledge of rowing who has preferably had recent international competition experience in rowing; and
  - (c) one other person of experience and skills suitable to the function of the Appeals Tribunal and familiar with the Olympic selection process and documentation,

who will constitute a quorum for the purpose of hearing and determining any appeal under Part 2, provided that with the consent of the Appellant and RA, the Appeals Tribunal may be

constituted by two persons, one of whom must be the Permanent Tribunal Chairperson or an Alternate Tribunal Chairperson.

**1.4** No person appointed to an Appeals Tribunal may hear and consider any appeal if he or she is an RA Board member, an Officer of a Member Association or a Selector or if by reason of his or her relationship with:

- (a) the Appellant;
- (b) any member of the Board of RA;
- (c) any of the Selectors; or
- (d) any persons whose interests may be affected by the outcome of the appeal;

he or she would be reasonably considered to be other than impartial.

**1.5** Should an Appellant or any other party to an appeal challenge the impartiality of any member of the Appeals Tribunal, the challenge will be determined by the Tribunal Chairperson sitting alone. In the case of a challenge to the Tribunal Chairperson, the challenge will be determined by the Alternate Tribunal Chairperson sitting alone.

**1.6** Each Appeals Tribunal will be bound by the following requirements:

- 1.6.1 it must observe the principles of natural justice;
- 1.6.2 it is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;
- 1.6.3 it will conduct its hearings with as little formality and technicality and with as much expedition as the proper consideration of the matter permits;
- 1.6.4 hearings may occur in such manner as the Tribunal Chairperson decides, including telephone or video conferencing;
- 1.6.5 each Appellant must establish one or more grounds of appeal to the reasonable satisfaction of the Appeal Tribunal with full regard to the full importance and gravity of the issue;
- 1.6.6 the parties to an appeal will not be entitled to be represented by a barrister or solicitor save with the leave of the Tribunal Chairperson, which will only be given in exceptional circumstances and, if given, may be given unconditionally or on such conditions as the Tribunal Chairperson thinks fit;
- 1.6.7 if a question of law arises during the course of a hearing, the Tribunal may, at the request of the parties or at the discretion of the Tribunal Chairperson, adjourn the hearing of the appeal in order to obtain legal advice;
- 1.6.8 the Tribunal Chairperson may require the parties to attend a directions hearing or hearings (whether in person or by any other means of communication determined upon by the Tribunal Chairperson) and the Tribunal Chairperson may give directions from time to time to assist in the efficient and expeditious conduct of the hearing;
- 1.6.9 if the Tribunal Chairperson is of the view that the outcome of the appeal may affect the interests of any person in addition to the Appellant, the Tribunal Chairperson

may, so far as practicable, require that notice be given to such other person or persons and that person or those persons may appear at the hearing of the appeal and/or make written submissions to the Appeals Tribunal;

1.6.10 the Appeals Tribunal will give its decision on any appeal as soon as practicable after the hearing and will provide the CEO, the Appellant and other parties to the appeal with a written statement of the reasons for its decision; and

1.6.11 as a matter of usual practice, the Appeals Tribunal will in the case of any successful appeal refer the question or matter the subject of the appeal back to the Selectors for determination in accordance with the Selection Policy, save that the Appeals Tribunal may itself conclusively determine the issue which is the subject of the appeal where:

(a) it has determined that:

(i) it would, in the view of the Appeals Tribunal, be impractical to refer the question back to the Selectors in the time available in which entries to the Event must be submitted by RA or an Event Governing Body; or

(ii) there has been such a disregard of the Selection Criteria or other provisions of the Selection Policy by or on behalf of the Selectors that a reasonable person could reasonably conclude that it is unlikely that the Selection Criteria or Selection Policy will be properly followed and/or implemented; and

(b) prior to making the determination in paragraph 1.6.11, the Appeals Tribunal has advised the parties and all persons whose interests may be affected by the outcome of the appeal of:

(i) the possibility of it making such a determination; and

(ii) that it may itself conclusively determine the issue of selection; and

permitting the parties and all such persons the opportunity to make submissions and give evidence in respect thereof.

Where the Appeals Tribunal refers the question or matter the subject of the appeal back to the Selectors for determination in accordance with the Selection Policy, the Selectors must also make the subsequent determination in accordance with any further directions or guidance from the Appeals Tribunal and provide reasons for their subsequent determination to the RA Board.

**1.7** The Appeals Tribunal will also hear any reference to it by RA of any breach of any RA Policy by a Participant or member of a National Team. In so doing the Appeals Tribunal will set its own procedure but follow as closely as possible and apply the procedure set out in this Appeals Policy for appeals.

**1.8** Notwithstanding paragraph 1.6.11, the Appeals Tribunal will in the case of any successful appeal on the ground that the decision was affected by actual bias (paragraph 2.4.3) refer the question or matter the subject of the appeal back to the Selectors for determination in accordance with the Selection Policy, save that RA must first replace the Selector or Selectors whose decision was in the opinion of the Appeals Tribunal affected by actual bias,

with another Selector or Selectors of RA's sole discretion for the purpose of determining the question or matter the subject of the successful appeal.

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## **PART 2** RA Appeals Process

**2.1** Subject to paragraphs 2.8 and 2.9, any decision of the Selectors or RA made pursuant to the powers in the following sub-paragraphs of the 2012 Selection Policy Handbook is made subject to the appeals process set out in this Appeals Policy:

2.1.1 paragraph 6.7.2 of the 2012 Selection Policy Handbook (selection to National Team);

2.1.2 paragraph 6.7.4 of the 2012 Selection Policy Handbook (removal from National Team);

2.1.3 paragraph 6.7.8 of the 2012 Selection Policy Handbook (progressive selection to the National Team pursuant to the Event Requirements);

2.1.4 paragraph 6.7.13 of the 2012 Selection Policy Handbook (progression through trials in the Event Requirements);

2.1.5 paragraph 6.7.16 of the 2012 Selection Policy Handbook (suspension); and

2.1.6 paragraphs 1.4.4 of the 2012 Selection Policy Handbook (failure to meet participation undertakings and requirements).

For the avoidance of doubt, an Athlete has no right of appeal against the size or rowing discipline of boat or crew in which the Athlete has been allocated to compete at the Event for which the Athlete sought selection.

**2.2** Any appeal against an Appealable Decision will be addressed according to the following procedure:

2.2.1 The appeal will proceed and be heard within the timeframes prescribed in the Appeals Policy by an Appeals Tribunal established by RA in accordance with the Appeals Policy;

2.2.2 Any subsequent appeal will be heard by the appeals division of CAS.

**2.3** If there is more than one appeal to an Appeals Tribunal or to CAS that impacts upon the selection of a team or crew to compete in an Event or in respect of the same position for an individual Athlete, then at the direction of the Tribunal Chairperson such appeals may be consolidated and heard together on such terms or subject to such procedures as the Tribunal Chairperson determines in his or her discretion.

**2.4** The sole grounds for any appeal to the Appeals Tribunal are that:

2.4.1 the express requirements of the 2012 Selection Policy Handbook or (where applicable) the Selection Criteria have not been properly followed and/or implemented; or

- 2.4.2 the Participant was not afforded a reasonable opportunity by RA to satisfy the Selection Criteria; or
  - 2.4.3 the decision was affected by actual bias; or
  - 2.4.4 there was no material on which the decision of the Selectors could reasonably be based.
- 2.5** Any appeal by an Athlete against an Appealable Decision must be made in accordance with the following procedure:
- 2.5.1 the Appellant must give written notice of his or her appeal to the CEO within 48 hours of the announcement of the decision against which the appeal is made; and
  - 2.5.2 within 5 working days of submitting his or her written notice of appeal, the Appellant must submit in writing to the CEO the grounds of that appeal accompanied by a non-refundable deposit of \$100.
  - 2.5.3 Within 48 hours of receiving the Appellant's notice of appeal the Selectors will provide the CEO and the Appellant with a written statement of the reasons for the decision against which the appeal is made.
  - 2.5.4 In the case of an appeal by an Athlete against any failure to be selected in a National Team or selection or invitation for progression pursuant to the Event Requirements, then:
    - (a) the announcement of the decision can arise from an omission to name the Athlete in a National Team or National Squad or list of invitees for progression;
    - (b) the time for appealing the decision under paragraph 2.4 shall commence on the first announcement of a decision under which the Athlete is omitted from selection or further consideration for selection; and
    - (c) the Athlete shall have only one right of appeal in respect of the circumstances leading to omission under the first announcement.
- 2.6** The decision of the Appeals Tribunal will be binding on the parties and, subject only to any appeal to CAS under paragraphs 2.8 and 2.9, neither party may institute or maintain proceedings in any Court or Tribunal other than the said Appeals Tribunal.
- 2.7** Where a Participant wishes to appeal an Appealable Decision and RA so agrees in writing, the appeal to the Appeals Tribunal, subject to the Participant being given permission to appeal, may be directly referred to the appeals division of CAS and in which instance the grounds of appeal must be one or more of the grounds described in paragraph 2.4 and the CAS panel will be vested with the powers of the Appeals Tribunal.
- 2.8** The sole grounds for any appeal against a decision of the Appeals Tribunal are:
- 2.8.1 a breach of the rules of natural justice by the Appeals Tribunal; or
  - 2.8.2 that the decision of the Appeals Tribunal is otherwise wrong in law.

- 2.9** Any appeal from a decision of the Appeals Tribunal must be solely and exclusively resolved by CAS according to the Code of Sports-Related Arbitration and applying the law of New South Wales.
- 2.10** The decision of CAS will be final and binding on the parties and it is agreed that neither party will institute or maintain proceedings in any court or tribunal other than CAS. In particular, and without restricting the generality of the foregoing and for further and better assurance notwithstanding that such provisions have no applicability, there will be no right of appeal under section 38 of the Commercial Arbitration Act 1984 (NSW) or equivalent in any of the Australian States or Territories or to apply for the determination of a question of law under section 39(1)(a) of such Act or equivalent in any of the Australian States or Territories.
- 2.11** An Athlete wishing to appeal to CAS against a decision of an Appeals Tribunal must give written notice of the fact to the CEO within 48 hours of the announcement of the decision against which the appeal is made (or within such time as the CEO may allow) and must then file his or her statement of appeal with CAS within five (5) working days. Failure to observe these time limits will render any appeal a nullity provided that an Athlete may apply to the body to hear the appeal in question for an extension of time in which to commence an appeal. The body to hear the appeal in question may grant such an extension of time only in extenuating circumstances outside the control of the Athlete concerned.
- 2.12** If CAS determines to uphold any appeal in respect of an Appealable Decision, it will refer the question or matter the subject of the appeal back to RA for determination in accordance with the Selection Policy.