



**TRIATHLON**  

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**AUSTRALIA**

**SELECTION POLICY – ELITE TEAM**

**2007 Triathlon World Championships  
Hamburg, Germany  
1-2 September 2007**

## **A INTERPRETATION**

In this policy the following words have the following respective meanings:

- “ASADA” means the Australian Sports Anti Doping Authority established under the Australian Sports Drug Agency Act in 1990.
- “NPD” means the person appointed to the position of National Performance Director/Head Coach by TA or his nominee.
- “Elite Team Manager” means the person appointed to the position of Elite Team Manager for the 2007 TWC Elite Team by TA.
- “NPT” the objective standard against which the results of all potential members of teams for major events are measured.
- “NPT Ranking List” The process by which Triathlon Australia’s elite Athletes are ranked.
- “TA” means Triathlon Australia Ltd that is the National Federation for the sports of triathlon/duathlon/aquathlon.
- “TEAM” means the Elite Team selected under this policy to represent Australia at 2007 ITU TWC.
- “2007 ITU TWC” means the ITU Triathlon World Championships to be conducted in Lausanne, Switzerland on 1 & 2 September 2007.
- “TAESC” means the TA Elite Selection Committee appointed by TA to select the TEAM under this policy.

“TASAT” means the TA Selection Appeals Tribunal appointed by TA to hear and determine appeals under this policy.

## **B INTRODUCTION**

1. This Policy details the process and criteria by which TA will select the Elite Team for the TWC.

2. ITU race competition rules stipulate that TA may nominate a maximum of six (6) male and six (6) female Athletes to represent Australia at the 2007 ITU TWC. All nominated Athletes must meet ITU Eligibility requirements.

TA is not required to select the maximum of 6 males and 6 females to the TEAM for TWC. Final TEAM numbers are at the discretion of the TAESC as set out in this policy.

3. If a selected TEAM member is determined to be injured, ill or unfit subsequent to selection, their continued status as a TEAM member will be re-assessed by the TAESC in consultation with the NPD, Team Manager and the TA Medical Director or nominated representative as set out in section H of this Policy. A final decision on TEAM members will be made two weeks (14 days) before 2007 TWC.

4. If a selected TEAM member should withdraw or is declared unfit to continue as a TEAM member the TAESC may replace that TEAM member with a further selection made pursuant to section F (discretion). This discretion is absolute and need not be exercised.

5. This Policy can be amended at any time by TA if TA is of the opinion that such an amendment is necessary as a result of any change in ITU guidelines, to give effect to the policy following discovery of a drafting error or oversight or for any other reason determined to be in the best interests of TA by TA. TA shall not be responsible or liable in any way to anyone as a result of any such amendment.

## **C ELIGIBILITY FOR THE 2007 TA TWC ELITE TEAM**

1. Only Athletes qualified according to the terms of this section C will be eligible for selection in the TEAM.

2. In order to be eligible for selection in the TEAM Athletes must:

(a) TA Eligibility Criteria

Complete and sign the application and declaration form in Annexure 1 and return it to TA, no later than **1 March 2007**.

- (b) Athletes must complete and sign the **2007 Athlete Agreement**. This Agreement will set out the rights, entitlements and obligations of the Athlete having agreed to become a member of TA's National Team and the rights, entitlements and obligations of TA in its management and control of the sport and its National Team. The Agreement will also impose restrictions on the Athlete in relation to self promotion designed to protect TA's sponsors and the sponsors of the National Team. It is proposed that this Agreement will be available early in the year 2007.

**For the avoidance of any doubt, any Athlete who has not returned a signed copy of the Athlete Agreement to TA within 14 days of the Agreement being made available to the Athlete will, at the discretion of the NPD, be ineligible for selection in the TEAM.**

(c) ITU Eligibility Criteria

- (i) Be ranked among the top 50 in the **ITU Triathlon World Cup** Ranking on a date twenty-one (21) days before the 2007 ITU TWC.

or:

- (ii) The next twenty (20) positions will be eligible from the **ITU Points List** twenty-one (21) days before the 2007 ITU TWC.
- (iii) Satisfy ITU rules regarding nationality and citizenship, which are based on the conditions laid down in the charter of the International Olympic Committee. In summary, Athletes must:
- be a citizen or national of Australia;
  - be a current TA Member and TA Professional Licence Holder; and
  - not have represented another country in the last three years.

## **D HOW THE TEAM WILL BE SELECTED**

All positions on the Team will be selected at the discretion of the TAESC as per Section E below.

## **E. DISCRETIONARY POSITIONS**

1. All positions on the Team **may**, at the discretion of the TAESC, be selected **at any time between 20 April 2007 and 30 July 2007**. This discretion is absolute and it need not be exercised.
2. In exercising its discretion, the TAESC may consider any factor, or combination of factors that is, in the opinion of the TAESC, relevant for consideration when selecting an Elite Australian Triathlon team.

Without in any way limiting the discretion of the TAESC as set out immediately above the TAESC may consider the following:

- (a) Performance in ITU Draft legal races similar to the demands of Hamburg.
- (b) Performances in the 2005 & 2006 World Championships, 2006 Commonwealth Games and 2006 ITU World Cup races.
- (c) Performances in 2007 ITU World Cup races.
- (d) Overall consistency of performance at an international level in Olympic Distance draft legal races.
- (e) Individual strengths, which may contribute to the performance of the TEAM as a whole at the 2007 TWC.
- (f) Willingness and ability to fill and/or complete a role that may enhance Australia's medal potential at the 2007 TWC.
- (g) The benefit of exposure to World Championship racing to any Athlete who in the opinion of the TAESC has the potential to represent Australia at the Beijing Olympics.

For the avoidance of any doubt, the matters set out above are not to be regarded as selection criteria. They are merely matters that the TAESC may consider in any combination, and in combination with any other factors or matters not listed, that in the opinion of the TAESC are relevant to the selection of an Elite team

3. The TAESC may make the selection of any particular Athlete pursuant to this Section E subject to the Athlete meeting further conditions. Those further conditions may include achieving a particular result in a future race, completing a fitness trial to the satisfaction of the NPD or any other condition that, in the opinion of the TAESC, is reasonable in the circumstances of the particular Athlete.

4. If a particular Athlete's discretionary selection is made subject to the Athlete meeting further conditions as set out in Section E3 above, those conditions will be communicated to the Athlete in question prior to the TEAM being announced. The fact that the Athlete's selection is conditional will be mentioned at the TEAM announcement and if considered appropriate by the TAESC, the additional conditions may also be announced.
5. If a complete six member TEAM (male and/or female) is selected, the TAESC may at its discretion name a reserve (male and/or female).

If the TAESC exercise its discretion to name a reserve, the selection of that reserve will be at the absolute discretion of the TAESC. When exercising its discretion, the TAESC may consider any factor, or combination of factors that is, in the opinion of the TAESC, relevant for consideration when selecting a reserve for a world championship team. Those considerations can include the matters set out in E2, including the immediate current form of Athletes under consideration.

The TAESC may exercise its discretion under this clause E5 at any time up until the time limit for nominating the Athletes to start in 2007 ITU TWC set by the ITU.

#### **F. INCLUSION TO FULFILL A 'TEAM ROLE'**

TA reserves the right to choose a particular athlete or Athletes in the Team (male and/or female) on the condition that the athlete is to fulfil a specifically designated 'Team Role' during the World Championship Triathlon race.

If the TAESC exercises its discretion to select an Athlete in the Team to fulfil a "Team Role" it will inform the athlete of its decision before submitting the athlete's name to the Board of TA for ratification according to the terms of this policy.

If the athlete declines the offer of inclusion in the Team on the basis of fulfilling the designated 'Team Role' the TAESC will reconvene and reconsider the Team position under consideration. In such circumstances the TEASC in it's discretion may decide to name another athlete to the Team in substitution for the original athlete. Any such substituted athlete may, at the discretion of the TAESC, be named on condition that he/she accepts the position on the Team on the basis of fulfilling a designated 'Team Role'.

**G. ANNOUNCEMENT OF THE TEAM**

1. Elite Team Athletes who have met the criteria will be announced by the NPD within 7 days of the TAESC selecting the Athlete and the TA Board's preliminary endorsement.

The NPD will inform the athlete(s) concerned, post the announcement on the TAHP website ([www.tahp.org.au](http://www.tahp.org.au)) and email the elite athlete community to advise of such selections.

2. The final TEAM will be announced and posted on the TA website on Thursday 3 August 2007.

**H. FURTHER REQUIREMENTS – TEAM AGREEMENT, MEDICAL AND FITNESS ASSESSMENT**

1. Following selection of the TEAM as set out in this Policy all members of the TEAM will be required to comply with the additional requirements set out in this section H.
2. Any Athlete in the TEAM who does not meet the requirements set out in this clause H to the satisfaction of the NPD is subject to exclusion from the TEAM at the discretion of the NPD
3. Any Athlete who is determined to be ill, injured or unfit as defined in subclauses H16 and H17 respectively is at the discretion of the NPD subject to exclusion from the TEAM.
4. All members of the TEAM will be required to sign an ASADA Drug Testing form distributed by Triathlon Australia within 14 days of announcement of their selection in the TEAM as set out in Section G.
5. All members of the TEAM are expected to meet the minimum standards of behaviour for TEAM members whilst assembled, travelling or training as part of the TEAM. Any TEAM member who does not meet that minimum standard of behaviour in the assessment of the NPD will, at the discretion of the NPD, be dismissed from the TEAM and therefore be ineligible to compete in TWC.
6. All members of the TEAM must provide the name and contact details of all their relevant health care professionals (general practitioner, sports medical practitioner and physiotherapist) to the NPD within 14 days of the announcement of the TEAM.
7. Once named in the TEAM each team member has a personal obligation to maintain the level of fitness that will enable them to compete in TWC to the standard at which they were selected.
8. All TEAM members must submit a monthly injury and illness log to the NPD (or his designated representative) on the 1<sup>st</sup> of each month beginning in June.

9. All TEAM members must immediately inform the NPD (or his nominated representative) of any illness or injury that could reasonably impact on the Athlete's ability to perform at the level expected of the Athlete at the 2007 TWC.
10. On request from the TA Medical Director or his/her nominee, a TEAM member must give permission to any one of their nominated health care professionals to discuss and/or disclose confidential information to the TA Medical Director in relation to their health or injury status as relevant to their performance in TWC.
11. At **any time** following the announcement of the TEAM any TEAM member may be required to attend for a medical examination ("special medical") at the discretion of the NPD. This medical examination will be at a place and time to be determined by the NPD taking into consideration the Athlete's training, travel and competition plans.
12. **All** TEAM members will be required to submit to a medical examination ("TEAM medical") conducted by the TA Medical Director or his nominee not less than 3 weeks prior to the 2007 TWC.
13. If after any medical examination the TA Medical Director (or his/her nominee) considers that a TEAM member may be injured or ill (as defined in H16 below), then that Athlete may be required to undertake an illness/injury assessment at any time before departure for the 2007 TWC. The illness/injury assessment may include a fitness or physical trial to be determined by the NPD in consultation with the TA Medical Director.
14. Any TEAM member may be required to undergo a fitness assessment at any time before departure for the 2007 TWC. The fitness assessment will be at the absolute discretion of the NPD and may be a designated triathlon race or trial involving one or all three triathlon disciplines.
15. If at any time prior to departure for 2007 TWC any TEAM member is assessed as injured, ill or unfit pursuant to the terms of this section H, that TEAM member may be withdrawn from the TEAM at the discretion of the NPD
16. For the purposes of this section H, a TEAM member will only be assessed as "injured or ill" if in the opinion of the TA Medical Director or his/her nominee, the Athlete is injured or ill to such an extent that either of the following situations exist:

- the Athlete will not be capable of performing in the 2007 TWC to a level at which the Athlete would be expected to perform if not affected by the illness or injury in question;
  - by competing with the injury at the 2007 TWC the Athlete may suffer significant short or long term medical complications.
17. For the purposes of this section H, a TEAM member will only be assessed as unfit for the 2007 TWC if in the reasonably held opinion of the NPD, the Athlete's overall physical condition is such that the Athlete is not capable of performing to the level at which the Athlete qualified for, or was selected to, the TEAM pursuant to this Policy.
  18. There is no right of appeal against any decision made by TA, the NPD or the TA Medical Director, pursuant to this section H.
  19. TEAM members will be required to attend a pre-championships camp at a venue in Europe prior to the 2007 TWC.
  20. TEAM members will be required to meet all NATIONAL TEAM UNIFORM GUIDELINES as set out in the 2007 ATHLETE AGREEMENT.

## **I. APPEAL PROCESS**

### *1. Right of Appeal*

- (a) An eligible Athlete who fails to be selected for the TEAM pursuant to the process and criteria set out in this policy may appeal against omission from the Team as set out in this section I.
- (b) The sole grounds of any appeal are that:
  - (i) the Athlete's omission from the Team was as a result of a failure by TAESC to properly apply the Selection Criteria set out in this Policy;
  - or
  - (ii) there was no material on which the selection decision could reasonably be based.
- (c) Any appeal under this clause will proceed in accordance with the procedure set out below.

### *2. Notice of Appeal*

- (a) Any eligible Athlete wishing to appeal against his/her omission from the TEAM **must** lodge a Notice of Appeal in writing in the form set out at Annexure 2 to this Policy to

be received by the CEO of TA by 5:00pm on the second clear day following the announcement of the decision the subject of the appeal.

**The Notice of Appeal must set out the grounds upon which the appeal is made.**

- (b) After lodging the Notice of Appeal as set out in subclause 2(a) above, the appellant (the Athlete making the appeal) **must** file a summary of all the arguments and/or submissions that the Athlete wishes to be considered in support of his/her appeal together with an outline of all the evidence that will be relied upon in support of those arguments and/or submissions. This document **must** be received by the CEO of TA by 5:00pm on the fifth clear day following the announcement of the decision the subject of the appeal.
- (c) The summary of arguments and submissions in support of the Athlete's appeal must be accompanied by an appeal fee of \$500. If the appeal fee is not filed at the same time, and received by the CEO as required by this Section I, the Athlete will be presumed to have withdrawn his/her appeal.
- (d) The appellant can withdraw an appeal at any time.
- (e) The time limits for lodging the Notice of Appeal, summary of arguments and submissions and the appeal fee are mandatory, failure to comply with these time limits will, at the absolute discretion of the Triathlon Australia's Selection Appeals Tribunal (TASAT), result in the appeal being dismissed without consideration on the merits.

3. *Constitution of TASAT*

- (a) The TASAT shall be constituted by any three persons available to hear the appeal, which must include the following:
  - (i) a person with a thorough knowledge of the sport and who preferably has had recent international competition experience in the sport;
  - (ii) another person of experience and skills suitable to the function of the TASAT; and
  - (iii) a barrister or solicitor who will chair the TASAT.
- (b) No member of the TASAT may be a party to or directly interested in the matter under consideration.

4. *Functions of the TASAT*

The TASAT has no power of selection or re-selection. The TASAT may review the matter(s) set out in the appeal and may

(as appropriate) refer the matter back to TAESC for consideration.

The decision of the TASAT will be binding on the parties and neither party may institute or maintain proceedings in any court or tribunal other than TASAT.

5. *Hearing of the Appeal*

(a) The TASAT shall, as soon as practical after receiving the appeal documents, investigate and consider the matter and determine whether:

(i) the matter should be dismissed because, in the opinion of the TAESC, there is no credible evidence, submission or argument upon which the TAESC could be satisfied that a ground of the appeal can be made out; **or**

(ii) the appeal should be the subject of a hearing as set below.

(b) If the TASAT determines the matter should be dismissed under clause I5(a)(i) above that decision is final and the appeal has failed.

If the TASAT determines that the appeal should be dismissed without a hearing, the appellant's appeal fee of \$500 is forfeited to TA as the costs of the appeal.

If the TASAT determines the matter warrants a hearing, the TASAT will advise the appellant and set the date for such a hearing as soon as practicable and necessary having regard to the timing of selection and the proximity of relevant events.

(c) The TASAT must conduct any appeal hearing in accordance with clause 15(b) as follows:

(i) it must observe the principles of natural justice;

(ii) it is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;

(iii) it will conduct its hearings with as little formality and technicality and with as much expedition as the proper consideration of the matter permits;

(iv) hearings may occur in such manner as the Chairman decides, including telephone or video conferencing;

(v) the appellant must establish one or more grounds of appeal to the reasonable satisfaction of the TASAT having regard to the importance and gravity of the

issue;

- (vi) the parties to an appeal may be represented at a hearing but not by a barrister, solicitor or a legally trained person;
- (d) following consideration of all information that the TASAT considers relevant the TASAT shall arrive at a finding. A decision of the TASAT may be by a majority decision;
  - (i) the TASAT shall notify the CEO of its finding as soon as practicable;
  - (ii) if the TASAT considers the ground(s) alleged by the appellant to be made out, it shall recommend that TAESC reconsider the selection of the relevant TEAM position;
  - (iii) where the TASAT considers that a ground of appeal has been made out, it may stipulate that all or part of the appeal fee be refunded to the appellant;
  - (iv) TAESC shall comply with any direction of the TASAT to reconsider the selection of the relevant TEAM position.
  - (v) any further selection decision of TAESC under the direction of the TASAT shall be final and binding, and no other further appeal shall be available to the appellant in respect of that selection.

Triathlon Australia Issued:

November 2006

**Annexure 1 - Application for Selection**

I, ..... (*insert name*)  
apply for selection in the 2007 TEAM Australia - Elite to compete in the 2007  
Triathlon World Championships (Hamburg, Germany).

At the time of signing this form, I acknowledge that:

1. I have been provided with a copy of the 2007 ITU TWC Selection Policy for the TEAM, which I have read and understood.
2. I agree to abide by the terms and conditions of the Selection Policy, the TA Constitution and By-Laws and the Triathlon Australia Code of Conduct.
3. I specifically agree that in the case of any appeal I will follow the appeals procedure in the Policy and will not pursue any action in the civil courts in relation to selection.
4. If I am selected, such selection is conditional upon me signing and abiding by the terms and conditions of the TA Team Agreement.
5. By signing this form I warrant that I am eligible for selection and in particular that I am a current registered member of TA.

Signed:  
..... (*applicant*)

Where the applicant is under 18 years of age, this form must also be signed by the applicant's parent or legal guardian.

I, ..... am **the parent or guardian** of the applicant. I expressly agree to be responsible for the applicant's behaviour and agree to personally accept the conditions set out in this application.

Parent's signature: ..... Date: .....  
(where applicant is under 18 years of age)

Name: .....

**Annexure 2 - Notice of Appeal**

**TRIATHLON AUSTRALIA**

**NOTICE OF APPEAL**

To: Chief Executive Officer  
Triathlon Australia  
Level 3/20 Rodborough Road  
FRENCHS FOREST NSW 2086

Tel: (02) 9972 7999  
Fax: (02) 9972 7998  
Email: info@triathlon.org.au

1. I, \_\_\_\_\_ of \_\_\_\_\_  
advise that I wish to appeal my non-selection to the Triathlon  
Australia Elite Team for the 2007 Triathlon World  
Championships at Hamburg, Germany on 1-2 September 2007.

**2. The grounds on which my appeal is based are as follows:**

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[attach additional pages if necessary]

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2007

Signed:

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**Appellant**