



TRIATHLON
AUSTRALIA

SELECTION POLICY
ITU Junior

2009 Australian Youth
Olympic Festival

Sydney International Regatta Centre
Penrith Lakes
Sydney, NSW

14 – 18 January 2009

A INTRODUCTION

1. This Policy details the process and criteria by which Triathlon Australia (TA) determines the members for Team Triathlon Australia (the TEAM), for the 2009 Australian Youth Olympics (AYOF).
2. According to AYOF Competition Rules, TA may nominate up to TWO TEAMS of THREE males and THREE females to the AOC to represent Australia at the 2009 AYOF (SIX Males & SIX Females in TOTAL).
3. To be considered for selection in the TEAM for the 2009 AYOF athletes must be 16-19 years of age with age determined on **31 December 2009** (Athletes must be born in the years 1990, 1991, 1992 or 1993 only). Athletes must be endorsed as ITU Juniors by their respective state association and TA.
4. Once selected in the TEAM according to the process set out in this Policy 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 TA Elite Selection Committee (TAESC) in consultation with the National Performance Director (NPD), National Development Coach (NDC), the relevant Team Manager and the TA Medical Director or nominated representative as set out in clause G of this Policy. A final decision on TEAM members will be made two weeks (14 days) before 2009 AYOF.

For purposes of this Policy, NPD means the National Performance Director and/or his nominee.

5. If a selected TEAM member should withdraw, is withdrawn or is declared unfit to continue as a TEAM member the TAESC **may** replace that TEAM member with a further selection made pursuant to E1-4 below. This discretion is absolute and need not be exercised.
6. 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 or AYOF 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 any one as a result of any such amendment.
7. TA will circulate this AYOF Selection Policy, to its State & Territory Triathlon Association (STTA) members and will list the Policy on the TAHP website. Athletes will be responsible for

ensuring they are fully aware of and understand the Policy and its contents and any such changes to the Policy should they occur.

8. This Policy is contingent on the International Triathlon Union (ITU) and AYOF making no change to the current Race Competition Rules or other eligibility specifications for nations competing at the 2009 AYOF.

B. ELIGIBILITY

1. There are specific rules laid down by the ITU and AYOF regarding eligibility when competing for a National Federation. Rules regarding nationality and citizenship are based on the conditions laid down in the charter of the International Olympic Committee.

The ITU requirements for TEAM membership can be summarised as follows:

- (a) Athletes must be a Citizen or national of Australia; and
- (b) Athletes must maintain a current Licence and be in good standing with TA/STTAs; and
- (c) Must not have represented another country in the last three years.

Other rules apply to naturalised persons and those with dual citizenship. If there is any doubt regarding eligibility to compete for Australia, athletes must contact the Chief Executive Officer (CEO) of TA for clarification.

2. TA's additional eligibility requirements for TEAM membership are:
 - (a) Athletes must meet the age eligibility criteria set out at the introduction to this policy at A3.
 - (b) All athletes who wish to be considered for the TEAM must complete and sign the application form set out at Annexure 1 of this Policy document and return it to TA, no later than **30 October 2008**. The CEO may accept a completed form after this time in his absolute discretion.

The TAESC, in its absolute discretion, will determine if any Athlete who is unable to comply with any of the conditions in this Section B remains eligible for selection in the TEAM.

C. TEAM SELECTION CRITERIA

1. Athletes can qualify for the TEAM by right of performance in the 2008 ITU World Championships in VANCOUVER (Pre-Selection – clause D below) and by right of performance in the **AYOF Selection Race** as set out in clause E.
2. Following allocation of automatic TEAM selections pursuant to clauses D and E below, any remaining TEAM positions will be selected at the discretion of the TAESC as per Section F below.
3. Up to a maximum of six males and six females may be selected in the TEAM pursuant to this Policy. Actual numbers in each TEAM, up to the maximum, is at the discretion of the TAESC, subject to the operation of clauses D and E below.
4. If the TAESC selects the maximum six athletes in either category (male or female) of the TEAM it **may**, at its discretion select up to two TEAM reserves for the appropriate category. Reserves will be selected according to clause F of this Policy.

D. PRE-SELECTION

1. Any eligible ITU Junior that finished 1st, 2nd or 3rd in 2008 ITU World Triathlon Championships (ITU Junior Category) in VANCOUVER, Canada on 5 June 2008 will be automatically selected in the TEAM, as long as that Athlete is still in the ITU Junior Age Category in 2009.

E. AUTOMATIC SELECTION IN THE TEAM BY RIGHT OF PERFORMANCE IN THE AYOF SELECTION RACE

1. The **AYOF Selection Race** (Super Sprint Race Weekend) will be held on the GOLD COAST at Runaway Bay, Queensland, 12-14 December 2008.
2. Any eligible ITU Junior that finishes 1st, 2nd or 3rd overall in the **AYOF Selection Race** (GOLD COAST - Super Sprint Race Weekend) will be automatically selected in the TEAM.

F. DISCRETIONARY SELECTION IN THE TEAM

1. After the allocation of automatic positions in the TEAM as per clauses D and E above, any remaining position(s) **may** be selected at the discretion of the TAESC following the 2 TEAM

selection races. 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 the TEAM.
3. Without in any way limiting the discretion of the TAESC set out immediately above, the TAESC may consider the following:
 - (a) Performances in the two selection events.
 - (b) Performances in other ITU Junior draft legal races.
 - (c) Potential to develop from the International experience provided by being a Member of the TEAM, for future national teams.
 - (d) Potential to achieve a medal (podium) performance at the 2009 AYOF or 2009 ITU World Junior Championships.
4. 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 the TEAM.
5. The TAESC may make the discretionary selection in the TEAM 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 National Performance Director, National Development Coach and/or the Team Manager or any other condition that, in the opinion of the TAESC is reasonable in the circumstances of the particular athlete in question.
6. If a particular athlete's discretionary selection is made subject to the athlete meeting further conditions as set out in Section F5 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.

G. TEAM RESERVES

1. If the TAESC selects six athletes in either category of the TEAM (male or female) it **may**, at its discretion, select up to a maximum of two reserves for the TEAM in that category. This discretion is absolute and need not be exercised.
2. If the TAESC names more than one TEAM reserve in either category, the athletes selected as reserves must be ranked in priority order by the TAESC.
3. In exercising its discretion to name a TEAM reserve/reserves in either category, 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 the TEAM. Without in anyway limiting this discretion, the TAESC may consider all of the matters set out in clause F(3).
4. Any Athlete selected as a reserve must comply with the conditions of clause K if requested by the NPD or the NDC.
5. Athletes selected as reserves according to the terms of this Policy will not be members of the TEAM unless they replace a TEAM member by operation of clause H and K.

H. TEAM MEMBERSHIP CONDITIONAL

1. Any athlete selected in the TEAM according to the operation of clauses D, E and F must meet the fitness and medical assessment requirements set out in clause J and the continuing obligations of TEAM membership set out in clause K in order to remain a member of the TEAM and therefore be eligible to compete in the 2009 AYOF.
2. For the avoidance of doubt, any athlete selected in the TEAM who fails to meet the fitness and medical assessment requirements for TEAM members set out in clause I or fails to meet the continuing obligations of TEAM membership set out in clause K may, at the discretion of the NPD and the NDC be removed from the TEAM.
3. Any athlete removed from the TEAM by operation of this clause H **may**, at the discretion of the NPD and the NDC be replaced in the TEAM by the highest ranking reserve in the relevant category.

I: ANNOUNCEMENT OF THE TEAM

The 2009 AYOF TEAM will be nominated to the AOC by the NPD on 15 December 2008.

J. FITNESS AND MEDICAL ASSESSMENT REQUIREMENTS FOR ALL TEAM MEMBERS

All TEAM MEMBERS must:

1. Compete in AYOF Selection Race 2 (Gold Coast – Super Sprint Race Weekend) to the satisfaction of the NPD, NDC & Medical Staff.
2. Undergo a Medical Examination as directed and coordinated by the NDC in December 2008.

K. FURTHER REQUIREMENTS – TEAM AGREEMENT, MEDICAL AND FITNESS ASSESSMENT

1. Following selection and naming to the TEAM pursuant to this Policy all members of the TEAM will be required to comply with the additional requirements set out in this section K.
2. Any athlete in the TEAM who does not meet the requirements set out in this clause K 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 K16 and K17 respectively is at the discretion of the NPD and the TAESC and may be 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 the announcement of the TEAM.
5. All members of the TEAM must sign and agree to be bound by the terms of the TA Athlete Agreement and AYOF Participants Agreement within 14 days of the announcement of the TEAM.

The AYOF & Team Agreement will set out the minimum standard of behaviour for Team members whilst assembled or travelling as part of the TEAM.

For the avoidance any doubt, any selected member of the TEAM not willing to sign the AYOF & athlete agreement will

be excluded from the TEAM, and replaced at the discretion of the TAESC.

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) and their accredited Home Coach to the NPD within 7 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 AYOF to the standard at which they were selected.
8. All Team members must submit an injury and illness log to the NPD within 14 days of the announcement of the TEAM.
9. All Team members must immediately inform the NPD 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 2009 AYOF.
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 the AYOF.
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 or his nominee 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 2 weeks prior to the 2009 AYOF.
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 K16 below), then that athlete may be required to undertake an illness/injury assessment at any time before departure for the 2009 AYOF. 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 2009 AYOF. 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 the 2009 AYOF any Team member is assessed as injured, ill or unfit pursuant to the terms of this section K, that Team member may be withdrawn from the TEAM at the discretion of the NPD.
16. For the purposes of this section K, 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 2009 AYOF 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 2009 AYOF the Athlete may suffer significant short or long term medical complications.
17. For the purposes of this section K, a Team member will only be assessed as unfit for the 2009 AYOF 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 National Performance Director and the TA Medical Director or his/her nominee pursuant to this section K.
19. Team members may be required to attend a pre-competiton camp at a venue in Australia preceding departure for the 2009 AYOF.

L. AOC/TA FUNDING

1. AOC & TA will provide athletes in the TEAM for the 2009 AYOF with the following:
 - a) return domestic airfares from nearest capital city to Sydney for athletes not living in NSW or ACT;
 - b) airport and venue transfers;
 - c) accommodation and meals;
 - d) AOC opening ceremony uniform;

- e) 2XU Race Suit and TEAM casual clothing;
 - f) Full TEAM management and coach support
2. TA reserves the right to charge a TEAM levy to cover any additional costs incurred by TA such as the AOC participation fees or any other costs associated with the AYOF.
 3. Any decision made by the NPD/NDC in relation to funding is not a decision from which any affected athlete has a right of appeal pursuant to this policy.

M. APPEAL PROCESS

1. Right of Appeal

- (a) An eligible Athlete who fails to be selected in the TEAM according to the process and criteria set out in this Policy document may appeal against omission from the TEAM as set out in this section M.
- (b) The sole grounds of appeal are that:
 - i. The Athlete's omission from the TEAM or the TEAM was as result of a failure by TAESC to properly apply the Selection Criteria set out in this Policy;
 - or
 - ii. There was no basis on which the selection decision could reasonably have been made.

For the avoidance of any doubt, an Athlete's right of appeal is limited to procedural grounds and does not extend to an investigation of the merits of a particular selection decision.

- (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 selection decision.
- 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 selection decision which is 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.
- (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.

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 TASAT, there is no credible evidence, submission or argument upon which the TASAT 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 M5(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 M5(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 with full 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: June 2008

Annexure 1 - Application for Selection – 2009 AYOF

I,
(insert name)

apply for selection in the 2009 Team Triathlon Australia – ITU Junior Team to compete in the 2009 Australian Youth Olympic Festival (Sydney, NSW).

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

1. I have been provided with a copy of the 2009 AYOF Selection Policy from the Australian JNR Triathlon 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's ITU Junior Team for the 2009 Australian Youth Olympics Festival.
- 5. The grounds on which my appeal is based are as follows:

[attach additional pages if necessary]

Dated this _____ day of _____ 2008

Signed:

.....
Appellant