

Gymnastics Australia Selection Policy

Effective 25 June 2006

PART A **GENERAL**

Article 1. **Objectives**

- 1.1 To identify those athletes who, in the opinion of Gymnastics Australia (GA), are most likely to achieve the best possible results at the Event (**Event**) set out in the Event Specific Criteria approved from time to time by the GA Board.

Article 2. **Selection Criteria**

- 2.1 In addition to this document the Sports Management Committee (SMC) for each gymnsport shall prepare specific criteria for National Squad selection for that sport (National Squad Criteria).
- 2.2 In addition to this document the Sports Management Committee for each gymnsport shall prepare specific criteria for specific events for that sport (Event Specific Criteria).
- 2.3 Once the National Squad and Event Specific Criteria have been approved by the GA Board they shall form part of this Selection Policy together with this document and any reference in this document shall be deemed to include a reference to the National Squad Criteria and/or the Event Specific Criteria.
- 2.4 At all times this Selection Policy is subject to any eligibility or other criteria imposed by the International Gymnastics Federation (FIG) or any other body which controls the Event.

Article 3. **Selection Committee**

- 3.1 The GA Selection Committee shall consist of the persons nominated to it pursuant to the Technical Regulations approved from time to time by the GA Board for the particular gymnsport.
- 3.2 The Selection Committee as a whole may consult with a coach or coaches however no individual member of the Selection Committee may consult with or discuss the deliberations of the Selection Committee with any athlete, coach or any other person prior to or after the Selection Committee has reached its decision.

Article 4. Selection Conditions

- 4.1 Selection of an athlete into the National Squad set out in the National Squad Criteria or the Team for the Event set out in the Event Specific Criteria is conditional upon the athlete:
- (a) signing and returning to GA the Team Agreement within 7 days of receipt by the athlete of the Team Agreement
 - (b) observing and continuing to observe the terms of the Team Agreement.
 - (c) at all times acting and having acted in such a manner so as not to bring the athlete, the relevant gymsport, the Team, GA or any of its sponsors into disrepute.
 - (d) Subject to paragraph 4.2 not using or having used or administered or been involved in any way with the use or administering of any prohibited substance or prohibited method or otherwise have breached GA's Anti-Doping Policy.
 - (e) subject to article 5, having met the eligibility requirements set out in the National Squad Criteria or the Event Specific Criteria
- 4.2 Paragraph 4.1(d) will not apply to any doping offence in respect of which the athlete has been sanctioned under GA's Anti-Doping Policy and which sanction has been satisfied in full.

Article 5. Special Consideration

- 5.1 An athlete who has not met the eligibility requirements set out in the National Squad Criteria or the Event Specific Criteria may be eligible for selection if the provisions of this Article 5 apply and have been complied with.
- 5.2 An athlete may apply to the Selection Committee for special consideration.
- 5.3 Any such application:
- (a) may only be made in respect of a Selection Trial, Training Camp or other nominated Selection Competition set out in the National Squad Criteria or the Event Specific Criteria (for the purposes of this clause only referred to as the **Competition**)
 - (b) must be in writing on the form provided by GA annexed hereto and signed by or on behalf of the athlete
 - (c) May only be made on one or more of the following bases:
 - (i) injury to the athlete
 - (ii) illness of the athlete

- (iii) death of a parent, spouse or de facto partner, guardian, sibling or grandparent of the athlete
 - (iv) travel delays which prevent the athlete from being present at the commencement of the Competition.
- (d) subject to paragraph 5.3(e) must be made prior to the Competition
- (e) may only be made after the commencement of the Competition in the case of illness or injury or equipment failure incurring during the Competition and in such case must be made by the conclusion of the Competition
- (f) must include but not be limited to a medical certificate and any such additional documentation as may reasonably be requested by the Selection Committee. The Selection Committee reserves the right to request a medical certificate from a medical practitioner nominated by GA in addition to that supplied by the athlete.
- 5.4 The application will be determined by the Selection Committee which shall have complete discretion to either accept or reject the application.
- 5.5 The decision of the Selection Committee shall be final and there is and will be no appeal available to the athlete making the application or any other athlete whose interests may be affected by the outcome (**Affected Athlete**) of the application.
- 5.6 The Selection Committee must notify the athlete making the application of its decision as soon as possible after the decision is made. Such notification will be oral and will be followed up in writing.
- 5.7 An athlete who has had an application for special consideration accepted by the Selection Committee in accordance with this Article 5 is referred to in the Selection Policy as a **Special Consideration Athlete**.

Article 6. Additional Athletes

- 6.1 An athlete(s) who fails to meet the minimum score as set in the National Squad Criteria or the Event Specific Criteria – Eligibility clause may be eligible for selection as an **Additional Athlete** in to National Squads or Teams. An additional athlete is one who the Selection Committee considers in its complete discretion is likely to contribute to the overall team score or is likely to win an apparatus medal such that consideration of the athlete for selection is likely to achieve the objective set out in Article 1 of this policy. There shall be no appeal from a decision of the Selection Committee in this respect.

Article 7. Appeals

- 7.1 An athlete who is eligible for selection pursuant to this Selection Policy but who has not been selected may appeal against such non-selection only in accordance with this Article 7 except there shall be no appeal in respect of non selection to a National Squad.

7.2 Grounds for appeal

The only available ground of appeal is that the Selection Policy, including the Event Specific Criteria, has not been properly followed or implemented in any one or more of the following respects:

- 7.2.1 The Selection Committee has taken into account a factor or factors which they are not permitted to take into account pursuant to the Selection Policy.
- 7.2.2 The Selection Committee has failed to take into account at all a factor or factors which it is required by the Selection Policy to take into account.
- 7.2.3 For the removal of doubt it is not permissible to appeal on the ground that the Selection Committee has given too much or too little weight to any one or more of the factors in the selection policy.

7.3 Procedure

7.3 An appeal by or on behalf of an athlete (in this Article 7 referred to as the **Appellant**) must :

- (a) be made by 4.00pm on the day following the announcement of the decision of the Selection Committee by notifying GA in writing of the Appellant's intention to appeal.
- (b) accompanied by a non-refundable fee of \$500.00 (payable to Gymnastics Australia) (**Appeal Fee**).
- (c) set out particulars in writing signed by the Applicant or Guardian of:
 - (i) the decision appealed against
 - (ii) the grounds for the appeal
 - (iii) specific details of the reasons of circumstances which support the grounds of appeal (collectively referred to as the **Statement of Appeal**).

7.4 The Appeal Fee and the Statement of Appeal must be received by GA within 48 hours of the announcement referred to in paragraph 7.3

7.5 Within 24 hours of receipt of the Statement of Appeal and the Appeal Fee the CEO of GA must refer the Appeal to the Selection Review Panel.

7.6 A failure by the Appellant to comply with any of the time limits set out in clause 7.3 or 7.4 will render the purported appeal invalid.

7.7 Selection Review Panel (**Panel**)

The Panel shall be nominated by GA and subject to clause 7.8 shall comprise:

- (a) A person nominated by the GA Board as Chair and

- (b) An independent person who is a member of a recognised sporting body at State or National level. For example but without limitation such a body may include the Australian Olympic Committee, the Australian Sports Commission, the Australian Commonwealth Games Association, National Elite Sports Council, a National Sporting Organisation or State Sporting Organisation and
 - (c) A person with a thorough knowledge of the relevant gymsport.
- 7.8
- (a) No member of the Panel shall have a relationship with any party to the appeal or any Affected Athlete such that the member is or may be seen to be not independent.
 - (b) Where a determination of the Appeal is required urgently and the Appellant agrees in writing the Panel may consist of only one person being a person nominated by GA provided that person is agreed to by the Appellant.

7.9 Powers of Selection Review Panel

- (a) The Panel shall only determine whether or not the Selection Policy has been properly followed or implemented. It has no power of selection or reselection.
- (b) If the Panel determines that the Selection Policy has not been properly followed or implemented the Panel shall refer the matter back to the Selection Committee in which case the Panel may in its complete discretion give directions to the Selection Committee provided such directions do not, in effect, amount to a direction to select or not select a particular athlete or athletes.

7.10 Procedures of Selection Review Panel

- (a) Once an appeal is referred to the Panel it must:
 - (i) convene a meeting of the Panel to be held as soon as practical (**Meeting**)
 - (ii) serve a copy of the Statement of Appeal on the Selection Committee
 - (iii) direct the Selection Committee to file with the CEO of GA a response to the Statement of Appeal
- (b) No later than 48 hours prior to the Meeting the Panel must advise the athlete making the appeal, the Selection Committee and any Affected Athletes:
 - (i) of the date and place and time of the Meeting
 - (ii) that they must provide to the Panel and Affected Athletes written submissions or submissions provided such statements or submissions are delivered no later than 24 hours prior to the Meeting.

- (iii) that any evidence from a Affected Athlete to the appeal must be given in accordance with paragraph 7.10 (b) (ii).
- (iv) that they may attend the Meeting either in person or by a representative (who is not legally trained or qualified) to provide the Panel with any information which they consider is relevant to the appeal.

7.11 Conduct of the Hearing

The Panel may conduct the Meeting in such a manner as it sees fit including but not limited to by way of teleconference or videoconference and may if it considers it appropriate adjourn the Meeting provided that:

- (a) the athlete making the appeal and Affected Athletes are given all reasonable opportunity to be heard; and,
- (b) the principles of natural justice and procedural fairness are adhered to.

Matters after the Meeting

- 7.12 Following the Meeting the Panel shall determine the appeal. Where the Panel consists of 3 members it shall be sufficient for a majority of those members to agree on the decision.
- 7.13 The Panel will notify the CEO of GA and the CEO of GA shall notify all parties to the appeal and all Affected Athletes of the Panel's decision as soon as practicable after the Meeting.
- 7.14 Should the Panel refer the matter back to the Selection Committee in accordance with clause 7.9 the Selection Committee must comply with any directions given by the Panel provided that any such directions do not, in effect, amount to a direction to select or not select a particular athlete or athletes.
- 7.15 Provided the Selection Committee has complied with any directions given to it by the Panel there shall be no appeal from any subsequent decision of the Selection Committee which is made following a referral to it by the Panel under clause 7.9.

Article 8. Appeal to Court of Arbitration for Sport

- 8.1 An athlete may appeal against a decision of the Panel to the Appeals Division of the Court of Arbitration for Sport (**CAS**) only in accordance with this Article 8.
- 8.2 An Appeal to CAS may only be made on the grounds that:
 - (a) the Panel failed to properly follow or implement the requirement of Article 7 of the Selection Policy and such failure has resulted in unreasonable prejudice to the athlete; or

- (b) the athlete was denied natural justice or procedural fairness by the Panel.
- 8.3 An Appeal to CAS must be made within 48 hours of the notification by the CEO of GA pursuant to clause 7.13
- 8.4 Subject to Clauses 8.5 and 8.6 CAS must solely and exclusively determine the Appeal according to the Code of Sports Related Arbitration. The decision of CAS shall be final and binding on all the parties and Affected Athletes and no party or Affected Athlete may bring any proceedings in respect of the appeal in any other Court or Tribunal.
- 8.5 CAS shall only have power to:
 - (a) Reject the appeal, or
 - (b) Uphold the appeal in which case CAS may, if it thinks appropriate, refer the matter back to the Panel for a re-hearing and give any such directions to the Panel as it sees fit provided such directions do not, in effect, amount to a direction to select or not select a particular athlete or athletes.
- 8.6 CAS shall have no power of selection or reselection.

Article 9. Amendment of Selection Policy

- 9.1 GA may amend this Selection Policy including the National Squad Criteria or the Event Specific Criteria at any time, not less than 24 hours prior to the relevant Selection Event.
- 9.2 Any such amendments to the Selection Policy shall take effect from the date on which the amendments are notified to the GA High Performance Centres.

DATED THIS 25th DAY OF JUNE 2006

