



DOCUMENT: Triathlon Australia Appeal Policy

REFERENCE: 2022 Australian Age Group Long Distance Duathlon Team

EVENTS: 2022 World Triathlon Age Group Long Distance Duathlon World Championships

DATE: 4th September 2022

LOCATION: Zofingen, Switzerland

TEAM: 2022 Australian Age Group Long Distance Duathlon Team

A. INTERPRETATION

2022 WT LDDWC means the World Triathlon Long Distance Duathlon World Championships owned and sanctioned by World Triathlon to be conducted in Zofingen, Switzerland on the 4th of September 2022.

Athlete means an athlete who registers for and competes in one or more event(s).

2022 Age Group Athlete Agreement means a contractual agreement between Triathlon Australia and the athlete which sets out the rights, entitlements and obligations of the athlete having agreed to become a member of the team and the rights, entitlements and obligations of Triathlon Australia in its management and control of the sport and the team.

CEO means the person appointed to the position of Chief Executive Officer of Triathlon Australia by Triathlon Australia or his/her nominee.

WT means World Triathlon and is the official governing body for the Olympic sport of Triathlon.

Relevant Triathlon Australia Membership means a current annual Triathlon Australia membership in the full Adult, Family, Junior or Coach categories but excludes all Non-Competing/Non-training membership categories.

STTAs means the State and Territory Triathlon Associations affiliated with Triathlon Australia.

TAAGSAT means the Triathlon Australia Age Group Selection Appeals Tribunal appointed by Triathlon Australia to hear and determine appeals under this policy.

TAAGC means the Triathlon Australia Age Group Committee, or its successor appointed by Triathlon Australia to select the team under this policy and present selected Athletes to the Triathlon Australia Board for ratification.

TANAGM means the Triathlon Australia National Age Group Manager.

Team Management means the person(s) appointed to the position(s) of Team Management for the team by Triathlon Australia.

Team means the Age Group Team selected under the relevant Selection Policy to represent Australia at the 2022 World Triathlon World Championships.

TA means Triathlon Australia Limited ACN 007 356 907, the National Federation for the sports of triathlon/ duathlon/ aquathlon and which is affiliated with World Triathlon.

Undersubscribed in relation to an event means that there are less applicants for selection for any age group category at the World Championships than there are places in the Team for that age group per World Triathlon entry rules.

Selection Policy means the policy detailing the process and criteria by which Triathlon Australia will select its age group team for the 2022 World Triathlon Age Group Long Distance Duathlon World Championships.

B. APPEALS 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 the relevant Selection Policy may appeal against omission from the Team as set out in this document.

b) The sole grounds of any appeal are that:

- i. The Athlete's omission from the Team was as result of a failure by the TAAGC to properly apply the Selection Criteria set out in the Selection 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 1 to this document to be received by the CEO of TA by the following date and times:

Long Distance Duathlon - 5pm AEDT on Wednesday the 16th of February 2022.

Notice of Appeal documentation should be emailed to info@triathlon.org.au marked to the attention of the CEO Triathlon Australia.

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 the following dates and times:

Long Distance Duathlon - 5pm AEDT on Monday the 21st of February 2022.

c) The summary of arguments and submissions in support of the Athlete's appeal must be accompanied by an appeal fee of \$150. Athletes may complete payment of the \$150 appeal fee on-line on the Triathlon Australia website www.triathlon.org.au 2022 Australian Age Group Long Distance Duathlon Team Appeal Fees must be made by 5pm AEDT on Monday the 21st of February 2022.

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 TAAGSAT, result in the appeal being dismissed without consideration on the merits.

3. Constitution of TAAGSAT

a) The TAAGSAT 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 TAAGSAT; and
- iii. a barrister or solicitor who will chair the TAAGSAT.

b) No member of the TAAGSAT may be a party to or directly interested in the matter under consideration.

4. Functions of the TAAGSAT

The TAAGSAT has no power of selection or re-selection. The TAAGSAT may review the matter(s) set out in the appeal and may (as appropriate) refer the matter back to the TAAGC for consideration.

5. Hearing of the Appeal

a) The TAAGSAT 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 TAAGSAT, there is no credible evidence, submission or argument upon which the TAAGSAT 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 TAAGSAT determines the matter should be dismissed under clause 5(a)(i) above that decision is final and the appeal has failed.

If the TAAGSAT determines that the appeal should be dismissed without a hearing, the appellant's appeal fee of \$150 is forfeited to TA as the costs of the appeal.

If the TAAGSAT determines the matter warrants a hearing, the TAAGSAT 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 TAAGSAT must conduct any appeal hearing in accordance with clause 5(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 TAAGSAT with full regard to the importance and gravity of the issue;
- 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 TAAGSAT considers relevant, the TAAGSAT shall arrive at a finding. A decision of the TAAGSAT may be by a majority decision;

- i. the TAAGSAT shall notify the CEO of its finding as soon as practicable;
- ii. if the TAAGSAT considers the ground(s) alleged by the appellant to be made out, it shall recommend that the TAAGC reconsider the selection of the relevant Team position;
- iii. where the TAAGSAT 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. the TAAGC shall comply with any direction of the TAAGSAT to reconsider the selection of the relevant Team position.
- v. any further selection decision of the TAAGC under the direction of the TAAGSAT shall be final and binding, and no other further appeal shall be available to the appellant in respect of that selection.

Triathlon Australia Limited:
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