



TRIATHLON
AUSTRALIA

**Triathlon Australia
Selection Policy
ELITE & U23 TEAM**

**2011 ITU Duathlon World Championships (DWC)
Gijon, SPAIN – 24th/25th September 2011
10 km Run / 40 km Cycle / 5 km Run**

A. INTRODUCTION

1. This selection policy (**Policy**) details the process and criteria by which Triathlon Australia (**TA**) will select athletes as part of the Australian Triathlon Team ITU Elite and U23 categories (**TEAM**) for the 2011 ITU Duathlon World Championships (DWC).
2. According to the ITU Race Competition Rules, TA may select up to SIX (6) males and SIX (6) females to represent Australia in the Elite category and a further SIX (6) males and SIX (6) females to represent Australia in the U23 category at the 2011 DWC.

Neither this Policy nor the ITU require TA to select the maximum of six males and six females in either category to the TEAM for DWC. Final TEAM numbers are at the absolute discretion of the TA Elite Selection Committee (TAESC) as set out in this Policy.

3. To be considered for selection to the TEAM for the 2011 DWC in the U23 category, athletes must be 18-23 years of age with age determined on 31 December 2011 (ie at least 17 years of age turning 16 years of age in 2011 and no older than 22 years of age, turning 23 years of age in 2011).

4. If a selected TEAM member should withdraw, is withdrawn or is declared unfit to continue as a TEAM member the TAESC *may* replace that TEAM member with a further selection made pursuant to clause E below. 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 for any of the following reasons:
 - a. as a result of any change in ITU eligibility criteria or rules;
 - b. as a result of any change in the rules governing a particular race/event;
 - c. to give effect to the Policy following discovery of a drafting error or oversight; or
 - d. to clarify any ambiguity or otherwise give effect to the intended meaning of the Policy.

TA shall not be responsible or liable in any way to anyone as a result of any such amendment.

B. ELIGIBILITY

1. There are specific rules laid down by the International Triathlon Union (ITU) regarding eligibility when competing for a country. Rules regarding nationality and citizenship are based on the conditions laid down in the charter of the International Olympic Committee (IOC).

The ITU requirements TEAM membership can be summarised as follows:

- a. Athletes must be a citizen or national of Australia;
- b. Athletes in the U23 category must meet the age eligibility criteria as set out in clause A3 of this Policy;
- c. Athletes 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 please contact the TA office for clarification.

2. TA's additional eligibility requirements for TEAM membership are:
 - a. Athletes must maintain a current TA Licence and be in good standing with TA and their STTA.
 - b. Athletes must complete and sign the application form at Annexure 3 and return it to TA no later than **29 July 2011**. The TAESC may accept a completed form after this time in its absolute discretion.
 - c. Athletes must sign and agree to be bound by the terms of the TA Athlete Agreement within 14 days of the announcement of the TEAM (or such later time as advised by the TA Chief Executive Officer).

C. SELECTION CRITERIA

1. Athletes can automatically qualify for the TEAM by right of performance in the Selection Race which is

the 2010 ITU Duathlon World Championships, Edinburgh, Great Britain, 5 September 2010.

2. Following allocation of automatic TEAM positions according to the operation of clause D below, any remaining TEAM positions will be selected at the discretion of the TAESC as set out in clause E below.

D. AUTOMATIC SELECTIONS

1. Any Australian athlete who placed 1st, 2nd or 3rd in the Selection Race in either the Elite or the U23 category will be automatically selected to the TEAM, so long as that athlete/those athletes continue to meet the eligibility requirements set out in clause B.

E. DISCRETIONARY POSITION(S)

1. After allocation of any automatic selection positions as per clause D above, any remaining TEAM positions (up to the maximum allowed by the ITU) may be selected at the discretion of the TAESC. 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.

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

- (a) Performance in the 2010 ITU Duathlon World Championships.
- (b) Each athlete's nominated 3 best performances in international and domestic Duathlon/Triathlon races since the 2010 ITU World Duathlon Championships until the TA nomination date of Friday 29th July 2011.
- (c) An athlete's ability to win a medal for Australia.

For the avoidance of any doubt, the matters set out above are not to be regarded as selection criteria.

3. The TAESC has the discretion to name a reserve or reserves for the TEAM at any time prior to the 2011 DWC. This discretion is absolute and need not be exercised.

F. ANNOUNCEMENT OF THE TEAM

1. Recommendations of TEAM selections will be made by the TAESC to the TA Board. For the avoidance of doubt, an athlete is not considered to be a member of the TEAM until his or her selection has been endorsed by the TA Board.
2. The ITU Elite and U23 TEAM for the 2011 DWC will be endorsed by the TA Board and announced by TA on or about the week beginning **8 August 2011**.

G. APPEALS PROCESS

1. The appeal process applicable to this Policy is set out at Annexure 1.

H. FUNDING

1. There is no funding support for athletes intending to compete in the 2011 ITU DWC. Athletes are responsible for funding all areas related to competing in the 2011 DWC, including Entry & Team Management Fees, Uniform and Travel.

Triathlon Australia
Issued: [Insert Date]

For further information:
Kate Gallop PH: (02) 9972 7999
PO Box 13
Alexandria, NSW, 1435

Annexure I
TRIATHLON AUSTRALIA
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 Annexure.
 - (b) The sole grounds of any appeal are:
 - (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.
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 Chief Executive Officer (CEO) of TA by 5:00pm on the second clear day following the announcement of the TEAM as set out in clause F. 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 which is the basis 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 clause, 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 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) In determining whether the matter should be dismissed under clause 5(a)(i) above, the TASAT may request further information relating to the selection decision be provided by the CEO or the TAESC.
- (c) If the TASAT determines the matter should be dismissed under clause 5(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 5(a)(ii) 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 Chairperson 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. After arriving at a finding:
- (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) the 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.

Annexure 2

TRIATHLON AUSTRALIA

NOTICE OF APPEAL

To: Chief Executive Officer
Triathlon Australia
Level 3, 256 Coward Street,
MASCOT, NSW 2020

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 and U23 Team for the 2011 ITU Duathlon World
Championships at Gijon, SPAIN.

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

_____ [attach additional pages if necessary]

Dated this _____ day of _____ 2011

Signed:
.....
Appellant

Annexure 3

TRIATHLON AUSTRALIA

SELECTION APPLICATION

2011 ITU Duathlon World Championships (DWC)

I, (*insert name*)

apply for selection in the 2011 Australian Triathlon Elite and U23 Team to compete in the 2011 ITU Duathlon World Championships (Gijon, SPAIN).

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

1. I have been provided with a copy of the 2011 ITU Elite and U23 Duathlon World Championships Selection Policy for the Australian Team, which I have read and understood.
2. I agree to abide by the terms and conditions of the Policy, the TA Constitution and By-Laws and the TA 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 Athlete 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:

Name: