



Nomination Criteria – Paris 2024 Paralympic Games

1 Introduction

1.1 Definitions

In this Nomination Criteria, the following words and phrases have the following meanings:

Athlete means a person who:

- (a) participates in the Sport; and
- (b) is recognised by TA or PA as eligible for nomination to PA for selection to the Team under this Nomination Criteria

Athlete Guide (Guide) means an eligible athlete, on the long list that has been through the accreditation process (without being accredited). Guides are selected Team Members and considered as an Athlete Competition Partner.

Automatic Nomination means the process of nominating athletes to PA for selection for the Games by reason of performance.

Bipartite Invitation is an athlete quota slot awarded to an athlete following an application by PA to the IF.

Criteria means this Nomination Criteria.

Discretionary Nomination means the process of nominating athletes to PA for selection for the Games at the discretion of the TAESC.

Eligible Athlete means an Athlete that meets the requirements in **clause 2.1**.

Executive means the PA board of directors.

Extenuating Circumstances means:

- (a) injury or illness;
- (b) equipment failure;
- (c) travel delays;
- (d) bereavement or disability arising from death or serious illness of an immediate family member, which means a spouse, de facto partner, child, parent, grandparent, grandchild, or sibling; or
- (e) any other factors considered by the National Federation to constitute extenuating circumstances.

Games means Paris 2024 Paralympic Games.

GMP means TA's General Manager Performance, or their nominated delegate.

IAPP means Individual Athlete Performance Plan inclusive of the yearly competition plan.

IPC means the International Paralympic Committee.

IPC Qualification Regulations means the IPC document which describes how athletes and teams can qualify for the Games.

Intentional Misrepresentation or **IM** means a deliberate attempt by an athlete or athlete support personnel (either by fact or omission) to misrepresent:

- the existence or extent of skills and/or abilities relevant to a Para-sport; and/or
- the degree and/or nature of eligible impairment.

International Federation or **WT** means World Triathlon.

National Federation or **TA** means Triathlon Australia.

Nomination describes the process by which the TAESC may consider the performance of an Athlete, apply its expert opinion, and determine whether the Athlete meets the objective of this Criteria.

Nomination Date means 3 July 2024, being the deadline to nominate athletes to PA including Bipartite Invitations.

PA means Paralympics Australia and any of its officers, employees or agents and any committee it convenes including the PA Selection Committee.

PA General Selection Criteria (GSC) means the document adopted by the Executive which governs, among other things, the nomination and selection process, and details Games-specific eligibility requirements and criteria the PA Selection Committee may take into account when making selection decisions, the document is available at <https://www.paralympic.org.au/about-us/policies-resources/>.

PA Selection Committee means the committee established by PA to select athletes to the Australian Paralympic Team for the Games.

Paralympic Team Nomination, Selection & Appeals By-Law means the document adopted by the Executive which governs, among other things, the nomination and selection of Athletes to a Team for Paralympic Games and which is available at <https://www.paralympic.org.au/about-us/policies-resources/>.

PTWC means the 2023 Para Triathlon World Championships to be held on 23 September 2023.

Qualification System means the eligibility, participation, and qualification criteria for the Sport in respect of the Games as detailed in the IPC Qualification Regulations available at [Paris 2024 Qualification Regulations \(paralympic.org\)](https://www.paralympic.org/paris2024/qualification-regulations)

Qualifying Period means from July 1, 2023 until July 1, 2024.

Sprint Distance means the sport of triathlon consisting of 750m swim, 20k cycle, 5km run.

Sport means Triathlon.

Sports Entries Deadlines is 5 August 2024. It means the deadline for Paris 2024 Organising Committee to receive sport entry forms submitted by NPCs.

TAESC means the Triathlon Australia Elite Selection Committee. The TAESC has been appointed by the TA Board, to administer and implement this Criteria. The names of each of the Selectors will be published on the TA website.

Team means the team of athletes and officials selected by PA to participate in the Sport at the Games.

WTPC means the World Triathlon Para Cup Series.

WTPS means the World Triathlon Para Championship Series, which includes the PTWC.

WT Ranking may be used to determine athlete's eligibility to enter World Triathlon events. A maximum of six-point scoring events count towards an [Athlete's ranking](#).

1.2 Interpretation

- a) Unless the context otherwise requires, reference to:
 - i. a clause is to a clause of this Criteria;
 - ii. the singular includes the plural, and the converse also applies;
 - iii. persons include incorporated and unincorporated bodies, partnerships, joint ventures, and associations and vice versa and their legal personal representatives, successors and permitted assigns and substitutes; and
 - iv. a party includes the party's executors, administrators, successors and permitted assigns and substitutes.
- b) If a person to whom this Criteria applies consists of more than one person, then this Criteria binds them jointly and severally.
- c) A reference to time, day or date is to time, day or date of Sydney, Australia.
- d) Headings are for convenience only and do not form part of this Criteria or affect its interpretation.

1.3 Objective & Scope

- 1.3.1** This Criteria details the process and criteria by which TA will nominate Athletes to PA for consideration for selection in the Team to compete in the men's and women's individual triathlons at the Games.
- 1.3.2** The primary objective of this Criteria is to nominate Athletes whom TA considers have the greatest potential of winning medals in triathlon events at the Games.
- 1.3.3** The 6 classes in the men's triathlon event (PTWC, PTS2, PTS3, PTS4, PTS5, PTVI) and the 5 classes in women's triathlon event (PTWC, PTS2, PTS4, PTS5, PTVI) are separate events and different considerations may be relevant in nominating Athletes according to this Criteria to maximise the prospects of achieving TA's stated objective in **clause 1.3.1**.

- 1.3.4** The Women's PTS4 includes both classes PTS4 and PTS3, with a maximum of two athletes from sport class PTS4 and one (1) athlete from sport PTS3.

1.4 Application

- 1.4.1** TA may only nominate athletes to PA for selection in accordance with this Criteria.
- 1.4.2** This Criteria is issued by the TA Board. TA must make this Criteria available to all Athletes.
- 1.4.3** The TAESC has been appointed by the TA Board to administer and implement this Criteria.
- 1.4.4** If any person is unavailable to fulfil their role as described in this Criteria, the TA Board may authorise a delegate to fulfil this role.
- 1.4.5** The terms of the [Paralympic Team Nomination, Selection & Appeals By-Law and PA General Selection Criteria \(GSC\)](#) are incorporated by reference into this Criteria. TA must provide and make these documents available on the TA website to all Athletes.
- 1.4.6** This Nomination Criteria will take effect from the date it is released and will cease to have effect at the conclusion of the Games.
- 1.4.7** Any failure to give any notice or follow any process under this Criteria does not invalidate such notice or process and does not give rise to an appeal in respect to the notice or process.
- 1.4.8** This Nomination Criteria applies to:
- a) all Athletes (and guides for PTVI athletes);
 - b) TA; and
 - c) PA.

2 Eligibility

- 2.1** TA will not nominate an Athlete unless, as at the Nomination Date, TA is satisfied on reasonable grounds that the Athlete:
- a) is an Australian citizen and eligible to compete for Australia under the [IPC Policy on the nationality of competitors](#);
 - b) is a member of TA;
 - c) satisfies the Qualification System;
 - d) has signed TA's 2024 Athlete Agreement;
 - e) will satisfy the PA General Selection Criteria in Appendix 1 of this Criteria;
 - f) holds a valid international qualification, and is listed on the WT Paratriathlon classification master list, with a sport class and sport class status of:
 - i. Confirmed; or
 - ii. Review with a Fixed Review Date of 2025 or later that meets the requirements under the [Paris 2024 IPC Qualification Regulations](#)
 - g) has not breached the anti-doping policies of TA, SIA, PA, or WADA unless the Athlete has been sanctioned for the breach and has completed the sanction imposed;

- h) has not committed an offence under any integrity policy of TA, SIA, PA, or WADA, unless the Athlete has been sanctioned for the breach and has completed the sanction imposed; and
- i) does not, and is not likely to in the foreseeable future, suffer from any physical or mental impairment that would prevent the Athlete from competing at the Games to the highest possible standard for that Athlete.

2.2 An Eligible Athlete is an Athlete that meets the requirements in clause 2.1.

2.3 If there is any doubt regarding eligibility to compete for Australia, Athletes must contact the Chief Executive Officer (CEO) of TA for clarification.

3 Long List

3.1 Athletes may be chosen by TA to be part of the Long List for their sport. The Long List comprises athletes who are considered as having a prospect of being nominated by TA to PA for consideration for selection in the Team.

3.2 For the avoidance of doubt, membership of the Long List does not increase, decrease or otherwise affect an Athlete's prospects of being nominated by TA to PA, or being selected by PA, to the Team. An Athlete does not need to be on the Long List to be considered for nomination under this Criteria.

3.3 TA may include an athlete on the Long List who has the likelihood of meeting Paris 2024 classification qualification criteria prior to nomination for the Team. This may include instances or exceptional circumstances where the Athlete has an international review status and is required to attend a future international classification assessment to meet the qualification criteria for selection.

4 Submission of Nominations to PA

4.1 The WT Paralympic Qualification Period starts 1 July 2023 and ends 1 July 2024.

4.2 TA must notify Athletes of the Nomination Date in writing.

4.3 TA must nominate Athletes to PA by the Nomination Date.

4.4 Nominations submitted to PA must be in the form prescribed by PA and must include any information that is required under [Paralympic Team Nomination, Selection & Appeals By-Law](#).

4.5 PA may, in its absolute discretion, extend the Nomination Date for TA for any reason.

4.6 TA must inform Athletes of their nomination or non-nomination by no later than:

- a) 48 hours prior to the Nomination Date, where such written notice would be received by the Athlete 14 days prior to the Sport Entries Deadline; or

- b) 24 hours prior to the Nomination Date, where such written notice would be received by the Athlete within 14 days of the Sport Entries Deadline, the Nomination Date, or such later date as PA advises TA.

4.7 Noting the objective of this Criteria in clause 1.3, TA's communication to nominated Athletes under clause 4.6, will identify the event and, where relevant, the role (for example, Bipartite Invitation) that is the basis for the Athlete's nomination.

4.8 PA may, in its absolute discretion, accept a nomination submitted after the Nomination Date where it is submitted by TA as result of an appeal brought in accordance with the [Paralympic Team Nomination, Selection & Appeals By-Law](#)

5 Nomination Criteria

5.1 Athletes may only be considered for nomination to PA via:

- a) Automatic nomination, under clause 5.2; or
- b) Discretionary nomination, under clause 5.3, or
- c) Bipartite Commission Invitation Application, under clause 5.4.

5.2 Up to two (2) athletes may be nominated by TA to PA for Automatic Nomination if they are ranked in the top five (5) on the WT Paralympic Qualification Rankings as of July 1, 2024, in their gender and class.

- a) If more than two (2) athletes achieve this criterion, the first two ranked athletes in the top five (5) positions in the class/gender will be nominated by TA to PA.
- b) If, after applying the criteria for Automatic Nomination, there remain Athlete quota positions awarded to PA, then Athletes may be nominated by Discretionary Nomination under clause 5.3. There is no obligation to fill all quota positions.
- c) For the Women's PTS4 Medal Event:

- i. PTS4 athletes will be eligible for automatic nomination.
- ii. PTS3 athletes will not be eligible for automatic nomination. PTS3 athletes may be nominated via discretionary nomination under clause 5.3.

5.3 Any remaining positions not nominated automatically, may be nominated via discretionary nomination. This discretion is absolute and need not be exercised. For the avoidance of any doubt, TA may use Discretionary Nomination where there are quota positions remaining after the Automatic Nomination process has been completed.

5.3.1 In exercising its discretion, the TAESC will consider Athlete performances ensuring nominations align with clause 1.2. The TAESC will only consider Athlete Performances at

events in clauses 5.3.1(a) (in descending order of priority) that are held during the Qualifying Period from July 1, 2023, until July 1, 2024.

The TAESC may also consider any other matter including the matters set out in clauses 5.3.1(b) and 5.3.1(c).

a) Individual Events:

iii. WT Para Championship (PTWC)

iv. WT Para Series (WTPS).

b) A significantly improving performance profile from July 1, 2023, until July 1, 2024.

c) Injury/illness history and status over the Qualification Period.

5.4 TA will only apply for Bi-Partite Invitation at the 2024 Paralympic Games after Automatic and Discretionary nominations have been made, and in descending order of priority for a Bi-Partite Invitation are set out in 5.4(a) and 5.4(b):

a) If a previous medal winner at the most recent Paralympic Games in the sport of Triathlon.

b) If a podium result has been achieved at a World Triathlon Para Series race during the Paralympic qualifying period. (1 July 2023-1 July 2024).

5.4.1 The IPC and WT will provide targeted qualification slot allocations through the Bipartite Commission Invitation Allocation method. These invitations are granted based on a discretionary basis by the IPC and the WT in addition to the allocation of qualification slots.

5.4.2 To be considered for a Bipartite Invitation, National Paralympic Committee's (NPC) (including PA) must submit an official application in writing to WT by 3 July 2024.

5.4.3 Invitations are for an Athlete (by name), not allocated to TA to be filled at its discretion.

5.4.4 Bipartite Applications and slots are not subject to the appeals process. Should an Athlete be awarded a slot, there is no appeal available to any other Athlete who was not awarded a slot.

5.5 Qualification slots will be allocated as set out in the [IPC Qualification Regulations](#).

5.6 Neither this Criteria nor PA requires TA to nominate any Athletes for fulfil Athlete quota positions awarded under the IPC Qualification System for the Games.

5.7 Once a PTVI Athlete has been selected, the TAESC may consider the selection of that Athlete's Guide in their absolute discretion:

a) In exercising discretion in selecting an Athlete's Guide, the TAESC may consider any matter.

- b) A Guide must be an eligible athlete, on the long list and been through the accreditation process (without being accredited).
- c) In the event of the withdrawal of a selected PTVI Athlete the selected guide will be automatically withdrawn unless they are subsequently selected to guide a replacement Athlete.
- d) A guide may be changed up to 24 hours before the start of the race. Decisions regarding a change of guide after the announcement of selected Athletes may be made by the TAESC.

6 Reserve Athletes

- 6.1** The TAESC may identify additional Athletes of each class and gender as reserve Athletes. If the TAESC so wishes to identify Reserve Athletes, Reserve Athletes will only be chosen from Athletes who are eligible for nomination to PA under clause 2.1.
- 6.2** The TAESC will rank Reserve Athletes against each other in order.
- 6.3** TA may identify and advise a Reserve Guide specific to PTVI class and gender.
- 6.4** Reserve Athletes will not be nominated to PA unless and until they replace a selected Athlete, or an additional quota becomes available and then only in accordance with matters set out in clauses 8.
- 6.5** The TAESC may use the following criteria in assessing an Athlete's suitability to be identified as a Reserve Athlete and determining the ranking order under clause 6.2:
 - 6.6** Athletes who meet the Automatic Nomination Criteria, but have not been nominated due the number of Athletes who meet those criteria exceeding the number of athlete quota positions available;
 - 6.7** PTWC and WTPS performances during the qualifying period from July 1 2023, until 1 July as set out in clause 5.3.1(a).
 - 6.8** The TAESC may exercise its absolute discretion in considering whether any weight and if so what weight is to be given to particular performances for the purposes of clause 6.5(b).
 - 6.9** If eligible, TA will advise Reserve Athletes of their status at the same time as being notified of their non-nomination status.

7 Announcement of Selection by PA

- 7.1** Athletes who PA has determined it wishes to select will be notified by PA and asked to sign the Athlete Team Membership Deed. Athletes who do not sign the Athlete Team Membership Deed will not be part of the Team.
- 7.2** Announcement of selection by PA, is set out in clause 7.4 of the [PA GSC](#).

8 Team Membership Conditions

From the date on which they are nominated to PA or identified TA as Reserve Athletes (Start Date), all nominated Athletes and Reserve Athletes must comply with the following requirements:

8.1 Competition Plan and Training Camps

All Athletes must submit to the GMP a proposed:

- a) competition plan for the period from the Start Date to the beginning of the Games; and
- b) calendar of attendance and participation at trainings and in training camps.

Once an Athlete's proposed competition plan and training camp schedule has been submitted and approved by the GMP, the Athlete must consult with the GMP should there be any major changes.

8.2 Fitness, Injury and Illness Monitoring

On nomination, all Athletes, including named Reserve Athletes, must comply with the [TA's Standard Event/Team Representation Continuing Form, Fitness and Medical Assessment Obligations](#), dated November 2022.

8.3 Sport Integrity

All nominated participants must complete the Sport Integrity e-learning modules advised by PA, unless otherwise approved by the Chef de Mission. These include:

- a) Anti-Doping Fundamentals
- b) Anti-Doping Fundamentals: Annual Update (Release date: January 2024)
- c) Anti-Doping Fundamentals: Paris 2024 specific module (Release date: TBC)
- d) Classification Fundamentals and
- e) Classification Level 2 (Released date: April 2023).

8.4 Classification

All Athletes must:

- a) abide by the WT Paratriathlon classification rules and regulations, the IPC Athlete Classification Code and any relevant PA and/or TA classification policies and requirements, including attending classification assessment as required.
- b) complete any classification education modules as released by WT, TA and/or PA.
- c) disclose previous classification documentation and/or medical diagnostic documentation from relevant specialists for classification which may include, amongst other things:

- i. providing medical diagnostic information detailing the athlete's underlying health condition and eligible impairment
 - ii. undertaking any additional medical assessment or provide further medical diagnostic information as required by PA, TA or WT for the purposes of classification.
- d) If an athlete has any medical intervention, or if changes occur to the athlete's impairment which may impact on their classification, provide medical documentation to WT, TA and/or PA
- e) Have been internationally classified by WT and must be listed on the WT Paratriathlon classification master list, and must have met the qualification criteria of an eligible sport class as detailed in the Paris 2024 Qualification Guide:
 - i. confirmed; or
 - ii. review with a Fixed Review Date of 2025 or later.
- f) notify PA, the TA and WT if there is any change to assistive devices, or equipment used, which may impact their classification in any way, and agrees to undergo further classification assessment if required.
- g) Have not breached the WT Paratriathlon classification rules and regulations, or the IPC Athlete Classification Code, unless the Athlete has been sanctioned for the breach and has completed the sanction imposed (unless the sanction was equal to or greater than 2 years, in which case the Athlete is ineligible for nomination). For the purpose of this clause, a breach may include, among other things:
 - i. an Athlete under investigation for Intentional Misrepresentation where a notice has been issued, or the Athlete has been sanctioned under the WT Para-triathlon Classification Rules and Regulations; or
 - ii. a failure to comply with an Athlete's obligations under the WT Paratriathlon classification rules and regulations.

9 PA Athlete Endorsement, Sponsorship and Fundraising Guidelines

Each Athlete acknowledges that they are bound by and will adhere to the PA Athlete Endorsement, Sponsorship and Fundraising Guidelines, set out in Appendix 1, and as updated from time to time. Each Athlete will also do all that they reasonably can to ensure that any sponsor of theirs also adheres to PA Athlete Endorsement, Sponsorship and Fundraising Guidelines.

10 Replacement of Athlete After Selection by PA

If:

- a) following selection of an Athlete by PA and prior to the Sport Entries Deadline:
 - i. an Athlete does not meet any of the requirements or obligations in clause 8, or is assessed as injured, ill or unfit in accordance with clause 8.2, then the National

Federation may, on the advice of the TAESC, immediately notify PA and request to remove the Athlete from the Team, in which case the PA will de-select that Athlete.

- b) following selection of an Athlete by PA and after the Sport Entries Deadline:
 - i. if, in accordance with the process in clause 8.2, it has been determined that a selected Athlete has become unable to compete at the Games due to a medical condition or other exceptional reason permitted under the IPC / Paris 2024 Late Athlete Replacement Policy, then the National Federation will, on the advice of the TAESC and the National Federation's Chief Executive Officer (CEO), immediately notify PA and request to remove the Athlete from the Team, in which case PA will consider, at its absolute discretion, whether to de-select that Athlete. If PA decides to de-select the Athlete, then the National Federation may nominate to PA a Reserve Athlete to replace the selected Athlete if the criteria for the replacement under the IPC / Paris 2024 Late Athlete Replacement Policy is satisfied. The National Federation will nominate the Reserve Athlete in accordance with clause 6.

11 Important Dates

| Date | Milestone |
|---------------|---|
| 1 July 2023 | WT Paralympic Qualification Period Starts |
| 1 July 2024 | WT Paralympic Qualification Period Ends |
| 3 July 2024 | Deadline for NPCs to submit applications for Bipartite Invitations |
| 8 July 2024 | WT Notifies in writing to the NPC's the allocation of qualification slots and Bipartite Invitations. |
| 11 July 2024 | National Federation to notify athletes of nomination status (i.e. successful/non-successful) |
| 15 July 2024 | NPCs confirm in writing to WT the use of allocated qualification and Bipartite slots |
| 22 July 2024 | National Federation deadline to nominate athletes to PA including Bipartite Invitations |
| 22 July 2024 | WT confirms in writing to the NPC's the reallocation of all unused qualification and Bipartite Commission Invitation slots. |
| 24 July 2024 | Final Team Selections by PA Selection Committee |
| 5 August 2024 | Deadline for Paris 2024 Organising Committee to receive sport entry forms submitted by NPCs. |

12 Appeals

- 12.1** All appeals concerning the nomination or non-nomination of athletes by TA will follow the process set out in Schedule 1: Nomination Appeals Policy in the PA Paralympic Team Nomination, Selection and Appeals By-Law.

- 12.2** All appeals concerning the selection or non-selection of athletes to the Team by PA will follow the process set out in Schedule 2: Selection Appeals Policy in the PA Paralympic Team Nomination, Selection and Appeals By-Law

13 Amendments

- 13.1** The Criteria may be amended at any time by the TA Board. Any amendment is in the absolute discretion of the TA Board. Proposed changes must be provided to PA, and endorsement received by the Chef de Mission prior to finalisation. TA is not and shall not be responsible or liable to any one as a result of any such amendment. Any amended policy will be distributed by TA by email to all eligible Athletes and posted on the TA website. TA may consult the Elite Athletes Commission on any proposed amendments before it is adopted by the TA Board and proposed to PA for approval.
- 13.2** There is no appeal by any person against any decision by TA or the TA Board to amend this Criteria.

14 Governing Law

This Criteria is governed by the laws of the State of New South Wales.

15 Policy Enquiries

The Athlete must read and understand this Criteria (and other supporting documents and/or policies). For further clarification relating to this policy, queries should be directed to the GMP.

16 Priority of Documents

To the extent of any inconsistency, the following documents shall be given the following descending order of precedence:

- (a) the PA Constitution;
- (b) PA Paralympic Team Nomination, Selection & Appeals By-law;
- (c) the PA General Selection Criteria – Australian Paralympic Team; and
- (d) this Criteria.

APPENDIX 1



General Selection Criteria

2024 Australian Paralympic Team

Address: Building A, 1 Herb Elliott Avenue, Sydney Olympic Park, NSW 2127, Australia Postal
Address: PO Box 596, Sydney Markets, NSW 2129, Australia

P: +61 2 9704 0500 E: info@paralympic.org.au paralympic.org.au

1. Introduction

- 1.1. Paralympics Australia (**PA**) is the Australian member of the International Paralympic Committee (**IPC**) and thus the recognised National Paralympic Committee (**NPC**) for Australia. PA is authorised by the IPC to enter, duly qualified and, eligible athletes in the Paris 2024 Paralympic Games (**Games**). PA is responsible for ensuring that selected athletes are appropriately classified in their respective sports prior to entry into the Games. PA selects the 2024 Australian Paralympic Team (**Team**).
- 1.2. PA has procedures for the selection of athletes into the Team (**PA General Selection Criteria**). This document sets out the PA General Selection Criteria and related information.
- 1.3. The Team is selected as follows:
 - 1.3.1. (**Paralympic Long List**) The relevant National Federation (NF), or PA in the case of PA managed sports, may select a Long List comprised of athletes who are considered to have a prospect of being nominated for the Team. Athletes on the Long List must agree to be bound by these PA General Selection Criteria.
 - 1.3.2. (**Nomination**) Athletes must be nominated by their NF, or PA in the case of PA managed sports, to be considered for selection into the Team. Athletes are nominated in accordance with the Nomination Criteria developed for each particular sport.
 - 1.3.3. (**Selection**) Athletes may be selected (and any reference to selection includes a reference to deselection) to be part of the Team at the sole and absolute discretion of PA as set out in the Paralympic Team Nomination, Selection and Appeals By-Law. All members of the Team must sign an Athlete Team Membership Deed to be eligible for selection.

2. Selection Process for Athletes

The following diagram illustrates the selection process:¹

Athletes are chosen or recognised as being part of the Long List by their NF



Long List



Each athlete must sign the Athlete Team Membership Deed

NF decides whether to nominate an eligible athlete to PA for consideration for selection



Nomination



PA decides whether to select a nominated athlete into the Team



Athletes are selected to the Australian Paralympic Team

Table 1: Selection process for athletes

¹ This diagram is illustrative only. It attempts to outline the process for selecting the Team. To the extent that the diagram is inconsistent or conflicts with any part of these PA General Selection Criteria, the General Selection Criteria prevails.

3. General Information

- 3.1. Paris 2024 Paralympic Games Qualification Regulations The IPC and the Paris Organising Committee for the 2024 Olympic and Paralympic Games (**Paris 2024**) have developed the Paris 2024 Paralympic Games Qualification Regulations (**IPC Qualification Regulations**). The IPC Qualification Regulations outline the qualification systems to be met for athletes and teams seeking to compete in the Games.

The IPC Qualification Regulations also stipulate the maximum number of athletes that can compete in the Games. PA is allocated a limited number of qualification slots which limits the number of athletes PA can select to enter to compete in each sport. The IPC Qualification Regulations can be accessed at:

<https://www.paralympic.org/paris-2024/qualification-regulations>

4. Eligibility

4.1. Nationality

Any athlete selected in the Team must be a national of Australia as determined by the IPC Athlete Nationality Policy detailed within the IPC Handbook. The IPC Athlete Nationality Policy can be accessed at:

<http://www.paralympic.org/the-ipc/handbook>

4.2. Classification

- (a) Only qualified athletes that:
 - (i) meet the sport-specific classification rules and,
 - (ii) have been allocated an international sport class and an appropriate sport class status as outlined
 - (iii) will be eligible to be considered for selection to the Team.
- (b) An athlete's classification is only valid if made by a classification panel recognised by the International Federation (**IF**) for the sport to make such an international classification.
- (c) Athletes hold an international classification in their respective sport, which is listed on the IF Classification Masterlist, with a sport class status that complies with the sports eligibility requirements as outlined in Table 2 below.
- (d) PA reserves the right to review the selection of athletes, including deselection, if exceptional circumstances arise that relate to the athlete classification for the sport or classification qualification criteria as detailed in the Games Qualification Guide.

Table 2: 2024 Qualification - Classification Requirements

| Sport | Classification Requirements |
|--------------|--|
| Archery | Internationally classified in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Fixed Review Date after 31 December 2024 |
| Athletics | Internationally classified before 5 August 2024 in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Fixed Review Date of 2025 or later |
| Badminton | Internationally classified in an eligible Sport Class with a Sport Class status of (i) 'Confirmed', or 'Review' with a Fixed Review Date after 31 December 2024 |
| Boccia | Internationally classified in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Review Fixed Date after 31 December 2024 |
| Canoe | Internationally classified in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Fixed Review Date after 31 December 2024 |
| Cycling | Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2024 (not applicable to Tandem pilots) |
| Equestrian | Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2024 |
| Goalball | Internationally classified in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Fixed Review Date of 2025 or later |
| Judo | Internationally classified in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Fixed Review Date of 2025 or later |
| Powerlifting | Internationally classified in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Fixed Review Date of 2025 or later |
| Rowing | Internationally classified either with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2024 |

| Sport | Classification Requirements |
|-----------------------|--|
| Shooting | Internationally classified in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Fixed Review Date of 2025 or later |
| Swimming | Internationally classified before 30 June 2024; in an eligible Sport Class with a Sport Class Status of (i) Confirmed or (ii) Review with a Fixed Review Date of 2025 or later |
| Table Tennis | Internationally classified with a 'Confirmed' Sport Class Status or a 'Fixed Review Date' Sport Class Status with a review date after 31 December 2024 |
| Taekwondo | Internationally classified in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Fixed Review Date of 2025 or later |
| Triathlon | Internationally classified in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Fixed Review Date of 2025 or later |
| Wheelchair Basketball | Internationally classified with a 'Confirmed' sport class status or a 'Fixed Review Date' sport class status with a review date after 31 December 2024 |
| Wheelchair Rugby | Internationally classified in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Fixed Review Date after December 2024 |
| Wheelchair Tennis | Internationally classified in an eligible Sport Class with a Sport Class Status of (i) Confirmed; or (ii) Review with a Fixed Review Date of 01 January 2025 or later |

Table 2: 2024 Qualification - Classification Requirements

Blind Football, Sitting Volleyball & Wheelchair Fencing were omitted from this table. Full requirements can be found in the IPC Qualification Regulations.

4.3. Additional Eligibility Requirements

A comprehensive list of all eligibility requirements not referenced above, such as but not limited to age requirements, required licences, etc. can be found in the IPC Qualification Regulations

5. Long List

Athletes may be chosen by their NF as being part of the Long List for their sport. The Long List comprises athletes who have a prospect of being nominated by their NF to PA for selection in the Team.

6. Nomination

6.1. Nomination Criteria

Each NF, or PA in the case of PA managed sports, will prepare Nomination Criteria for that sport. Such Nomination Criteria must be endorsed by PA prior to being published

The relevant Nomination Criteria will be distributed to the members of the Long List by the athlete's NF and published on the PA website. Notwithstanding this, it is the responsibility of all athletes to obtain a copy of the relevant Nomination Criteria to the athlete's sport.

PA's website is <http://www.paralympic.org.au>

The Nomination Criteria are at all times subject to the IPC Qualification Guide and these PA General Selection Criteria. If the Nomination Criteria are inconsistent in any way with the IPC Qualification Guide or the PA General Selection Criteria, the latter will prevail to the extent of any inconsistency (with the IPC Qualification Guide prevailing over the PA General Selection Criteria if there is a conflict). The Nomination Criteria are not inconsistent with the IPC Qualification Guide however, merely because the Nomination Criteria imposes a higher qualification standard or lesser number of qualification slots (participants) than as stated in the IPC Qualification Guide. Where this is the case, the higher qualification standard or lesser number of participants (as the case may be) will apply.

6.2. Athlete Nomination

Athletes may be nominated by their NF to PA for consideration to be selected into the Team. Athletes are only eligible for nomination if they are a member of their NF's Long List at the time of their nomination. All nominations must be made in accordance with the Nomination Criteria for the athlete's sport.

7. Selection

7.1. Athlete Selection

- (a) PA is authorised by the IPC to enter duly qualified and eligible athletes in the Games. The PA Board has designated the PA Selection Committee to be the sole selector of the Team as set out in the Paralympic Team Nomination, Selection and Appeals By- Law. The PA Selection Committee has the exclusive right to select athletes at its sole and absolute discretion to be in the Team.
- (b) Only nominated athletes will be eligible to be considered for selection into the Team (except in special circumstances - see section 7.6 below).
- (c) PA:
 - (i) may use its complete discretion and opinion;
 - (ii) is not obliged to select athletes based on merit, fairness or reasonableness;
 - (iii) is not obliged to select a nominated athlete;
 - (iv) is not obliged to have regard to any purpose or objective;
 - (v) is not obliged to consider any fact or thing;
 - (vi) may consider any fact or thing; and
 - (vii) may consult any person(s) or organisation(s),in exercising its right to decide whether or not to select an athlete into the Team.

- (d) Without limiting anything in this section 7, when considering athletes for selection to the Team, PA may (but is not obliged to) have regard to whether an athlete:
- (i) has a realistic prospect of achieving:
 - A. a gold medal in the Games;
 - B. a medal in the Games; or
 - C. a medal in the Los Angeles 2028 Paralympic Games;
 - (ii) meets both these PA General Selection Criteria and the relevant Sport-specific Nomination Criteria for their respective sport;
 - (iii) meets the relevant classification requirements;
 - (iv) has signed, abided by and continues to abide by any NF Athlete Agreement and these PA General Selection Criteria;
 - (v) has at all times acted in such a manner that does not risk bringing into public disrepute or censure themselves, the Sport or, if applicable, the Team, the athlete's sport or PA;
 - (vi) is of good character and holds good standing in the community;
 - (vii) has committed any doping offence under the policies of PA or the Australian Paralympic Team, the World Anti-Doping Agency or the athlete's sport, as the case may be;
 - (viii) has, from the date on which the athlete was nominated to the Long List, been available for sample collection as required by Sport Integrity Australia (SIA) and if requested by SIA, provided up-to-date information regarding their whereabouts on a regular basis in accordance with the requirements of PA and their sport;
 - (ix) has been the subject of a medical assessment, the results of which are satisfactory in the opinion of PA, and qualify the athlete for inclusion in the Team;
 - (x) has committed any classification related offences under the IPC Athlete Classification Code, the IPC Code of Ethics, the IF's classification rules for the athlete's sport, as the case may be;
 - (xi) has completed any education modules as released and required by the IPC, PA or SIA; and
 - (xii) the athlete has been endorsed by their NF.
- (e) If an athlete's classification is changed by an endorsed classification agent of the athlete's sport subsequent to the athlete's selection in the Team, the athlete's selection in the Team is void. The athlete may be eligible for selection in their changed class only if, in the opinion of the PA Selection Committee, the athlete is likely to compete at a level in that changed classification that would have warranted their selection in that class initially.

7.2. Notification of possible selection

Athletes who PA has determined it wishes to select will be notified by PA and asked to sign the Athlete Team Membership Deed.

7.3. Athlete Team Membership Deed

- (a) Before selection as stated in section **Error! Reference source not found.**, athletes must sign the Athlete Team Membership Deed to confirm their selection in the Team. Athletes who do not sign the Athlete Team Membership Deed will not be part of the Team.
- (b) The Athlete Team Membership Deed will be provided to athletes by PA. The Athlete Team Membership Deed will require the athlete amongst other things, to:
 - (i) meet the Nomination Criteria of the athlete's sport;
 - (ii) be eligible to participate in the Games as an Australian competitor in the class in which the athlete is qualified;
 - (iii) achieve satisfactory results for the medical assessment conducted by a medical practitioner appointed by PA (as determined at the sole discretion of PA);
 - (iv) act, and have acted at all times, in such a manner that does

not risk bringing into public disrepute or censure the Para- Program or, if applicable, the Team, the athlete's sport or PA;

- (v) not commit or have committed any offence under the anti- doping policy of the World Anti-Doping Agency, PA or the athlete's sport, as the case may be;²
- (vi) comply with the drug testing requirements of the IPC, PA and the athlete's Sport;
- (vii) not have any overdue financial obligations to PA or any NF at the time of nomination or selection;
- (viii) not commit or have committed any offence, including intentional misrepresentation, under the IPC Athlete Classification Code, the IPC Code of Ethics, or the IF classification rules for the athlete's sport
- (ix) to understand and comply with the relevant classification requirements of the IPC under the IPC Athlete Classification Code;
- (x) comply with the classification requirements of PA and the athlete's sport including, but not limited, to the provision of adequate diagnostic information and undertaking testing relevant to the athlete's impairment and consenting to information sharing as it relates to classification between the IF, NF, PA, team officials, classifiers and consultants;
- (xi) agree to inform PA and NF of any changes in level of impairment, medical intervention undertaken, or medical history that may impact upon class allocation. Failure to do so may be considered as intentional misrepresentation under the IPC Athlete Classification Code; and
- (xii) agree to inform PA and NF of any changes in equipment that may impact upon class allocation.

7.4. Announcement of Selection

PA will publish the names of the selected athletes on the PA website. Athletes must not make any announcement or comment regarding selection without the prior written approval of the PA and until such time as the members of the Team are named on the PA website and the athlete has signed the Athlete Team Membership Deed. Until such time that the Athlete Team Membership Deed is signed, the athlete will be deemed as being provisionally selected

² This paragraph does not apply to any offence in respect of which the athlete has been sanctioned under the anti-doping policy of the World Anti-Doping Agency, PA or the requirements of the athlete's sport, as the case may be, where that sanction has been satisfied in full.

7.5. Maintenance of Selection Status

An athlete's status as a member of the Team is conditional upon their continued compliance with the Athlete Team Membership Deed and the requirements set out in these PA General Selection Criteria. An athlete's membership in the Team may be terminated in accordance with the terms of the Athlete Team Membership Deed.

7.6. Selection of Non-nominated Athletes

Notwithstanding anything contained in these PA General Selection Criteria, PA reserves the right in special circumstances (as determined by PA) to select any athlete into the Team, regardless of whether the athlete has been nominated. If a non-nominated athlete is selected into the Team under this section 7.6, that athlete will be considered to be eligible for selection, notwithstanding anything contained in these PA General Selection Criteria, and subject only to the eligibility requirements specified in the IPC Qualification Guide.

An example of the circumstances where PA may select a non-nominated athlete under this section includes where an NF has not nominated an athlete for an available qualification slot in a sport.

8. General Conditions

8.1. PA Board

- (a) All rights of PA in relation to the selection of the Team may be exercised by the PA Board. The PA Board is not bound to follow any procedure, may establish its own procedure and derogate from such procedure, or may choose not to establish any procedure in exercising the selection (including without limitation any deselection) functions designated to it.
- (b) To the maximum extent permitted by law, PA, the PA Board, the PA Selection Committee and any of their respective officers, members, related bodies corporate, partners, employees or advisers disclaim and exclude all liability for any loss or damage suffered by any person in connection with anything contained in this document, whether arising in contract, tort or equity.

8.2. Modification

These PA General Selection Criteria may be modified by PA at any time without notice. Modified General Selection Criteria will be published on the PA website at <http://www.paralympic.org.au>

8.3. Detrimental Reliance

No athlete may rely on any acts of, conversations with, inferences made by or any other such dealings with PA (**Acts**) (including any member of the PA Board, The PA Selection Committee, the PA staff, any of PA's agents or representatives) in relation to that athlete's nomination, selection, non-nomination or non-selection, unless such Acts are official Acts carried out in accordance with these PA General Selection Criteria.

8.4. Disputes

Any controversy, claim or dispute arising out of, in relation to, or in connection with a decision to nominate or not to nominate an athlete in accordance with section 6 of this document must be dealt with in accordance with the dispute and/or appeals provisions contained in the applicable Nomination Criteria.

Any controversy, claim or dispute arising out of, in relation to, or in connection with a decision to select, not to select, or deselect an athlete into or from the Team must be dealt with in accordance with the Paralympic Team Nomination, Selection and Appeals By-Law.

8.5. Governing Law

These PA General Selection Criteria are governed by and must be construed according to the law applying in New South Wales.

8.6. PA Athlete Endorsement, Sponsorship and Fundraising Guidelines

Each athlete acknowledges that they are bound by and will adhere to the PA Athlete Endorsement, Sponsorship and Fundraising Guidelines, as set out in Attachment 1 and as updated from time to time and will do all that they reasonably can to ensure that any sponsor of theirs also adheres to them.

8.7. Enquiries

Please direct all enquiries to:

Head of Games & International Engagement Paralympics Australia
PO Box 596
Sydney Markets NSW 2129 Australia

P: +61 2 9704 0500

E: auspara@paralympic.org.au

1. Attachment 1 - Endorsement, Sponsorship and Fundraising Guidelines

Athletes must keep PA updated as to who their sponsors are. Athletes must also notify the PA Commercial Team of any changes to sponsors which occur.

PA may ask athletes to participate in marketing and communications activities related to PA and these activities may conflict with personal sponsorship agreements. PA will endeavour to work with athletes to protect personal sponsorship arrangements, but athletes must keep in mind (and avoid the potential for a contractual dispute between the athlete and their sponsor) that the priority for PA is all its athletes, not specific athletes and their sponsors.

PA may use an athlete's name, likeness, image, talents, reputation or the fact of their membership to the Long List or the Team for advertising, marketing, public relations and fundraising purposes at any time until 30 days following the Paralympic Games Closing Ceremony (08 October 2024).

Athletes must not use any logo or other intellectual property of PA without PA's prior consent. If unsure, please contact PA.

(d) Endorsement Contract with Paralympic Sponsors (including TOP Sponsors)

PA allows Paralympic Sponsors (Sponsors) to use Paralympic trademarks and/or imagery (Marks) including the PA name and logo and references to the Paralympic Games and the Australian Paralympic Team, for promotion and advertising purposes. Those Sponsors must submit proposed advertisements, press releases, website and online content, athlete appearances or other promotions to the PA Commercial team for review and approval prior to release.

(e) Endorsement Contract with Unaffiliated Third Party (Non-Sponsors)

In order to ensure that unaffiliated third parties (those who have no official relationship with PA or the IPC or Non-Sponsors) do not create the false impression that they are a Sponsor of the Games and/or the Australian Team, athletes endorsing Non-Sponsors should make certain that advertising, websites, promotions, etc. focus on the athlete and their achievements rather than on the Paralympic Games (Games). PA will not allow ambush marketing by non-Sponsors under any circumstances.

Non-Sponsors may not use any references or Marks in any commercial context without PA's permission before, during or after the Games. Non-Sponsors may submit advertisements containing biographical references to athletes as Paralympians to PA for approval. Such ads are more likely to be approved if the Paralympic reference is balanced by non-Paralympic achievements.

Photography or video footage of athletes from a Games or PA related competition with their medals or Australian Paralympic Team apparel may not be used for commercial purposes.

(f) Compliance with Athlete Advertising Blackout Period

No athlete participating in the Games may allow their person, name, picture or sports performance to be used for advertising purposes during the blackout period for each Games. The Blackout Period generally encompasses the PA Pre-Games Staging Camp, Games period and 2 days following the closing ceremony, but the precise period will be publicised before each Games.

Further, all commercial activity by PA Paralympic Team members not specifically approved by PA for use during the Blackout Period must cease during this period. This applies to congratulatory ads and also to on-going ad campaigns that are not specifically related to the Games. If an athlete has an apparel line or merchandise that bears their image or name, they must notify PA 90 days prior to competing in a Games or immediately after being named to the Team, whichever is first, so that PA can review the facts and decide whether or not to approve the item to remain in circulation during the Games.

(g) Use of Trademarks

PARALYMPIC and PARALYMPIAN are trademarks owned by PA. Athletes may use these terms to describe their aspirations (e.g., “my goal is to compete at the Paralympic Games in Paris.”) or accomplishments (“e.g. Paralympic Gold medallist – Wheelchair Rugby.”) but not otherwise. Athletes may not use the PA logo without the express permission of PA.

PA is also the owner of other trademarks and athletes may only use them with permission. Athletes who are in any doubt about whether a trademark belongs to PA should contact PA.

These rules apply to any words which are deceptively similar to trademarks owned by PA.

(h) Fundraising

The rules in relation to the use of trademarks apply to all forms of fundraising, for instance in fundraising letters, on web sites, or on promotional merchandise (t-shirts, bumper stickers, mugs, key chains, etc.) and in whatever form used (e.g., banner headline, part of a domain name, in large or prominent letters).

(i) Websites

Athlete websites should follow the general rules regarding permissible uses of the trademarks and the restrictions on Non-Sponsors. Athletes must separate the Non-Sponsors from all Paralympic references (including photographs from the Games) on their websites. This can be achieved, for example, by placing the athlete’s personal sponsors (non-Games Sponsors) on the home page whilst keeping all Paralympic references in a separate section/page of the website, with no reference to any commercial entity.

If an athlete seeks donations or other financial support on their web site, the fundraising portion of the site should be clearly delineated from PA trademarks and PA imagery, including Games photos. Factual Paralympic references

should be made in small type, for example to describe the athlete's goals or achievements, rather than used in banner headlines. Fan web sites should be informational and not sponsored by third parties. Websites with commercial affiliation must not use Marks without permission from PA.

(j) Paralympic Footage

Neither athletes nor third parties may use footage of PA related competition or Games competition without the express consent of PA. This requirement includes but is not limited to: use of footage on web sites or public exhibition of any kind, whether personally made or acquired by the athlete or acquired from a broadcaster and whether for any personal, commercial or charitable purposes. Please note that the Games broadcaster controls all footage for the Games for a period of time after each of the Games.

(k) Philanthropy

Athletes are encouraged to participate in other philanthropic organisations. Those organisations may use Paralympic biographical references that are specific to the athlete and balanced with other non-Paralympic accomplishments. Such organisations, however cannot use Paralympic-themed materials, Games footage, medal imagery or photographs of the athlete from the Games in any fundraising efforts, operations or activities. Athletes must disclose to PA in writing any activity or fundraising (this includes any voluntary or paid board or committee representation) for other not-for-profit or charitable organisations.

(l) Athlete Uniform & Apparel

As described in the Athlete Code of Conduct, Team athletes must wear the Australian Team apparel issued to them at all official PA functions including but not limited to: the Games, Sponsor Workshops, Medal Ceremonies, Opening/Closing Ceremonies, press conferences arranged by PA and/or hosted by PA, the IPC, Paris 2024 and other engagements arranged by PA. At these official functions, Athletes may not wear branded apparel or accessories that are not part of the Team apparel issued by PA. In addition, during the Opening/Closing Ceremonies and Medal Ceremonies (except in those instances in which medals are awarded at the venue immediately following the competition and PA has granted a waiver for the athlete to wear their competition apparel on the podium), Athletes must wear PA issued apparel for such ceremony in full, including shoes, hats, caps, sunglasses, or other apparel and accessories that are provided and required.

(m) Other Limitations

PA may impose limitations on personal sponsorships from time to time to further the commercial interests of PA, including through broadcast sponsorships. Any such limitations will be publicised as soon as possible.

2. Attachment 2 – Selection Appeals Policy

1. Definition

In this Selection Appeals Policy, the following words have the corresponding meanings:

| | |
|-------------------|---|
| Appeal | means a Selection Appeal where one or more NST members of the General Division of the NST will arbitrate the dispute relating to an Athlete's non-selection to the Team. |
| Appellant | means a Non-Selected Athlete who has commenced a Selection Appeal in the NST. |
| Athlete | Means any Person: (a) who competes or participates in a Sport under the authority of a NF or PA Member; or (b) who is registered as an Athlete or competitor or participant (however described) with a Member or with a member of a Member or a club recognised by a Member. |
| AUD | means Australian Dollars. |
| Business Day | means a day other than a Saturday, Sunday or public holiday in Sydney, New South Wales, Australia. |
| By-Law | means the PA by-law which documents the nomination, selection and appeal processes, as amended by PA from time to time. |
| CEO | means the Chief Executive Officer of the referenced organisation. |
| Dispute Notice | has the meaning set out in clause 6.2. |
| Games | means either the Paralympic Games or the Paralympic Winter Games in which the Team is to compete or participate. |
| Interested Party | means, a Selected Athlete or a Non-Selected Athlete who was a Nominated Athlete and otherwise eligible for selection to the Team which is the subject of the Selection Appeal who may be displaced or impacted by the outcome of the Selection Appeal and has provided the indication referred to in clause 5.4 of this policy. |
| Nominated Athlete | means an Athlete that is nominated by an NF, or PA in the case of PA managed Sports, for selection to the Team in compliance with that NF's or PA's Nomination Policy and section 6 of the By- |

| | |
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| | Law. |
| Non-Selected Athlete | means any Athlete who is not selected by PA to the Team. |
| NSO | means the National Sporting Organisation that is the governing body in Australia for a Sport which the IPC has approved will be on the program of the Games, that is responsible for making the nomination decision. |
| NSOD | means the National Sporting Organisation for people with a Disability that is the governing body in Australia for a Sport which the IPC has approved will be on the program of the Games, that is responsible for making the nomination decision. |
| NST | means the entity known as the National Sports Tribunal established by the National Sports Tribunal Act 2019. |
| NST Act | means the National Sports Tribunal Act 2019 (Cth). |
| NST Application Form | means the form titled "Application form" available for download at https://www.nationalsportstribunal.gov.au/resources/application-form . |
| NST Costs | means the aggregate of any Application Fee and Service Charges payable to the NST in connection with an Appeal. |
| NST Legislation | means the NST Act and all legislative and notifiable instruments made under the NST Act, including but not limited to the National Sports Tribunal Rule and the National Sports Tribunal Practice and Procedure Determination as amended from time to time and in effect at the time of the commencement of a Selection Appeal. |
| NST Procedure | means the process and procedure by which the NST operates, including as set out in the NST Legislation. |
| NST Registry | means the NST Registry team located within the Australian Government Department of Health and Aged Care which provides case management and administrative support. |
| PA | means Paralympics Australia Limited, as the entity officially recognised by the IPC for the Australian territory which has exclusive authority for Australia's participation in the Games. |
| Paralympic | means the multi-sport event held once every four years under |

| | |
|--------------------------|---|
| Games | the auspices of the IPC. |
| Preliminary Conference | means a conference between the NST and the parties of the Selection Appeal to discuss, amongst other things, the likely timing and costs of the Selection Appeal. |
| Selected Athlete | means any Athlete selected by PA to the Team in compliance with section 7 of the By-Law. |
| Selection Appeal | means an appeal, however described, against non-selection to the Team. |
| Selection Appeals Policy | means this selection appeals policy as contained in Schedule 2 of the By-Law which documents the process to be followed in connection with all Selection Appeals, as amended by PA from time to time. |
| Selection Criteria | means the selection criteria determined by PA and as described in the PA general selection criteria issued for a Team by PA.. |
| Service Charges | means the charges that may be payable to the NST to cover the cost of the arbitration under section 46 of the NST Act. |
| Team | means the team of Athletes and officials who are selected by PA to represent Australia at the Games. |
| Written Notice | means notice in writing by letter, email or other written means of communication. |

2. Interpretation

- 2.1. Unless the context otherwise requires, reference to:
 - 2.1.1. a clause is to a clause of this Schedule 2; and
 - 2.1.2. the singular includes the plural and the converse also applies.
- 2.2. If a person to whom this Selection Appeals Policy applies consists of more than one person, then this Selection Appeals Policy binds them jointly and severally.
- 2.3. A reference to time, day or date is to time, day or date in New South Wales, Australia.
- 2.4. Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- 2.5. Headings are for convenience only and do not form part of this Selection Appeals Policy or affect its interpretation

3. Objective of this Selection Appeals Policy

- 3.1. The Policy sets out (amongst other things) the parameters, process and criteria (both eligibility and performance) that will be applied by PA in order to determine the selection of Athletes for the Games.
- 3.2. This Selection Appeals Policy sets out the process that must be followed in relation to any Selection Appeals.
- 3.3. Athletes have a right of appeal against their non-selection to the Team and may apply to the NST for arbitration of a Selection Appeal (except where such a right is excluded in circumstances stipulated in the Selection Criteria).
- 3.4. Officials do not have a right of appeal against their non-selection to the Team.
- 3.5. This Selection Appeals Policy applies to both Athletes and PA

4. General rules

- 4.1. A Non-Selected Athlete may appeal against their non-selection to the Team in accordance with the procedures set out in this Selection Appeals Policy. For clarity, Athletes can only appeal their non-selection to the Team after PA has formally notified the relevant NF regarding which of its Athletes have been selected to the Team in accordance with section 7.4 of the By-Laws.
- 4.2. If two or more Selection Appeals are brought under this Selection Appeals Policy and it appears to the NST that:
 - 4.2.1. the Selection Appeals involve a common question; or
 - 4.2.2. the relief claimed in them are in respect of, or arise out of, the same instance of selection; or
 - 4.2.3. there is some other reason for it being desirable to have the Selection Appeals consolidated,the Selection Appeals must, so far as practicable, be consolidated and heard together and the Athletes involved in the Selection Appeals must provide reasonable assistance to the NST to achieve this outcome.

5. Parties to a Selection Appeal

- 5.1. The Parties to a Selection Appeal will be:
 - 5.1.1. the Appellant;
 - 5.1.2. PA;
 - 5.1.3. subject to clauses 5.2 – 5.9, any Interested Parties; and
 - 5.1.4. subject to clauses 5.3 – 5.9, a NF.

- 5.2. PA or the Appellant must identify to the NST any Nominated Athletes who may be Interested Parties. Nominated Athletes may also identify themselves to the NST as potential Interested Parties.
- 5.3. The Appellant must identify to the NST the NF that may wish to be a Party to a Selection Appeal. The relevant NF may also identify itself to the NST as a potential Party to a Selection Appeal.
- 5.4. If any doubt should arise as to the eligibility of an Interested Party or a NF as Party to a Selection Appeal, PA shall determine the matter in its sole and absolute discretion. Only Nominated Athletes may be Interested Parties.
- 5.5. Any Nominated Athlete and National Federation identified as a potential Party in an Appeal must, in order to participate in the Selection Appeal, indicate to the NST that they wish to be a Party in the Selection Appeal.
- 5.6. In accordance with the NST Procedure, an Interested Party and the relevant NF that becomes a Party to a Selection Appeal:
- 5.6.1. must receive notice of the Selection Appeal from the NST; 5.6.2. must be given the opportunity to make submissions and give evidence in the Selection Appeal;
 - 5.6.3. must receive a copy of the determination handed down by the NST; and
 - 5.6.4. will be bound by any determination handed down by the NST.
- 5.7. A Nominated Athlete who receives notice from the NST of their identification as an Interested Party may decline or fail to participate as an Interested Party at any time, in which case that person will automatically waive any rights afforded an Interested Party, including the right to lodge a Final Appeal.
- 5.8. An NF which receives notice from the NST of its identification as a potential party to a Selection Appeal may decline or fail to participate in the Selection Appeal at any time, in which case it will automatically waive any rights afforded a party of a Selection Appeal.
- 5.9. For the avoidance of doubt, a Nominated Athlete identified as a potential Interested Party or NF identified as a potential Party in an Appeal will not be permitted to lodge any further Appeal in respect of a decision or determination that is made by an NST in that Appeal.

6. Steps prior to commencing a Selection Appeal

- 6.1. A Non-Selected Athlete must not commence a Selection Appeal in the NST unless the dispute resolution provisions of this clause 6 have first been complied with.

- 6.2. Within 24 hours of the time that a Non-Selected Athlete receives notice of their non-selection, the Non-Selected Athlete must provide Written Notice to the CEO of PA that the Non-Selected Athlete disputes their non-selection to the Team (Dispute Notice). The Non-Selected Athlete must include the following in the Dispute Notice:
- 6.2.1. reasons to support their decision to dispute their non-selection; and
 - 6.2.2. payment of an AUD\$250 application fee, which will be refunded to the Non-Selected Athlete should the outcome of the dispute or Selection Appeal process result in their selection for the Team.
- 6.3. Within 24 hours of the Non-Selected Athlete giving the Dispute Notice in accordance with clause 6.2, the CEO of PA must provide the Non-Selected Athlete with a written statement setting out PA's reasons for its decision not to select the Non-Selected Athlete to the Team.
- 6.4. Within 24 hours of a Non-Selected Athlete receiving PA's written statement in accordance with clause 6.3, the Non-Selected Athlete must provide a written response to the CEO of PA advising whether the Non-Selected Athlete intends to proceed to a hearing of their Selection Appeal in the General Division of the NST in accordance with clause 7.
- 6.5. The Parties must use their best endeavours, acting in good faith and on a without prejudice basis, to resolve the dispute through confidential communication in accordance with this clause 6.
- 6.6. For the avoidance of doubt, any formal Written Notice or statement made by the CEO of PA or the Non-Selected Athlete in compliance with clauses 6.2 - 6.4 may be submitted to the NST for the purposes of the Appeal.
- 6.7. For clarity, time periods referred to in clause 6 may be extended by agreement between the CEO of PA and the Non-Selected Athlete in advance, or unilaterally by the NST in exceptional circumstances.

7. Appeal to the General Division of the NST

- 7.1. A Selection Appeal must be heard in the General Division of NST.

8. Grounds for an Appeal

- 8.1. A Non-Selected Athlete (the Appellant) may bring an Appeal for hearing on one or more of the following grounds (which the Appellant bears the onus of making out):
- 8.1.1. that the Selection Criteria were not properly applied by PA with respect to the Appellant;
 - 8.1.2. PA was affected by actual bias in making its decision to not select the Appellant; and/or

8.1.3. there was no material basis on which PA's decision could be reasonably based.

9. Making an application for an Appeal

- 9.1. An Appellant wishing to make an application for an Appeal must, within 24 hours of advising the CEO of PA of their intention to proceed to a hearing of their Selection Appeal under clause 6.4:
 - 9.1.1. complete and lodge the required NST Application Form with the NST Registry in accordance with the NST Procedure, setting out the grounds of appeal relied on by the Appellant; and
 - 9.1.2. pay the AUD\$500 application fee as required by the NST.
- 9.2. For clarity, unless the Appellant and PA otherwise agree, an extension of time to make an application for an Appeal may be granted by the NST in extenuating circumstances outside the control of the Appellant.
- 9.3. Service Charges may also be payable to the NST in connection with the Appeal. These Service Charges will be negotiated as between the parties to the Appeal and the NST at the Preliminary Conference.
- 9.4. PA will contribute 50% of the NST Costs incurred in connection with the Appeal above the AUD\$500 application fee payable under clause 9.1(b), up to a total value of AUD\$1,000 with the balance of the Service Charges to be paid by the relevant NF or PA (Example: If the NST Costs incurred in connection with an Appeal is AUD\$1,500, PA will contribute AUD\$500, being 50% of AUD\$1,000 and the relevant NF or PA will contribute AUD\$500).
- 9.5. Where the outcome of the Appeal results in the Appellant's selection to the Team, any application fee and Service Charges paid by the Appellant to the NST will be reimbursed to the Appellant by PA.

10. Appeal procedure

- 10.1. A Selection Appeal will proceed in accordance with the NST Procedure including with respect to the specific procedural matters set out below, which apply to all Appeals:
 - 10.1.1. Where the NST considers it appropriate to do so and all the involved parties to the Appeal agree, the NST may determine the Appeal without a hearing.
 - 10.1.2. The NST must provide Written Notice to the parties of its determination as soon as reasonably practicable after the conclusion of the hearing (in most cases, within 24 hours of the conclusion of the hearing).

- 10.1.3. The NST will provide the parties with a written statement of the reasons for its determination within 2 Business Days of notifying the parties of its determination.
- 10.1.4. The determination of the NST General Division is final and binding on the parties and no party may institute proceedings in any other court or tribunal.
- 10.2. The duration of the Appeal may vary depending on time available in accordance with the NST Procedure regarding expedited resolution of disputes (see also clause 12).

11. Appeal outcomes – reconsideration and redetermination

- 11.1. In concluding an Appeal, the NST may either:
 - 11.1.1. uphold the decision of PA not to select the Appellant to the Team; or
 - 11.1.2. overturn the decision of PA not to select the Appellant to the Team.
- 11.2. The NST can not make a selection decision itself and can only refer the matter back to PA.
- 11.3. The determination handed down by the General Division of the NST with respect to an Appeal is final and binding.
- 11.4. If the NST overturns the decision of PA not to select the Appellant to the Team, the NST will then direct PA to reconsider and determine its position regarding Appellant's eligibility and suitability for selection to the Team in light of the determination of the NST.
- 11.5. In reconsidering and determining PA's position regarding the Appellant's eligibility and suitability for selection to the Team, PA must observe the terms of the Selection Criteria.
- 11.6. Any decision made by PA regarding the Appellant's nomination following the direction from the NST in clause 11.3, will be final and binding on the Appellant.

12. Where an application to deal with a dispute requires expedition

- 12.1. If, on receiving an application for a Selection Appeal, the CEO of the NST is reasonably satisfied that it is necessary to deal with the application for a Selection Appeal expeditiously, the CEO of the NST will convene a Preliminary Conference (if appropriate) and then immediately appoint one or more NST members to deal with the Selection Appeal.
- 12.2. The CEO of the NST and the appointed NST member(s) will take all steps necessary to deal with the dispute the subject of the Selection Appeal as expeditiously as the case requires. This may include, but is not limited to, waiving compliance with any provision of the NST Procedure that a party to the dispute would otherwise have to comply with.

13. VERSION CONTROL

| Version | | Board Approval Date | Description of Amendments |
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