



**NSW Triathlon / ACT Triathlon
State Pathway Program Selection Appeals Policy
1st July 2024 – 30th June 2025**

NSW / ACT Triathlon Development Squad (NATDS)

Rest of State Talent Academy (ROSTA)

TACT Talent Academy (TACTTA)

1. DEFINITIONS AND INTERPRETATIONS

In this State Pathway Program Selection Appeals Policy, the following words and phrases have the following meanings:

- **Athlete** means a person who participates in the sport.
- **Automatic Selection** means the process for selection by reason of participation and engagement in Pathway activities as described in the State Pathway Program Selection Policy.
- **Discretionary Selection** means the process of selecting athletes at the discretion of the SC as described in the State Pathway Program Selection Policy.
- **AusTri** means AusTriathlon.
- **NSWT** means NSW Triathlon
- **ACTT** means ACT Triathlon
- **ROSTA** means Rest of State Talent Academy
- **TACTTA** means ACT Triathlon Talent Academy
- **NATDS** means the **NSWT / ACTT Triathlon** Development Squad
- **Eligible Athlete** means an Athlete that meets the requirements in the State Pathway Program Selection Policy
- **Nomination** describes the process by which the Athlete, applies for selection in the State Pathway & Talent Target Programs.
- **SPP** means the State Pathway Program including all athletes selected in the **NSW / ACT** Triathlon Development Squad, Rest of State Talent Academy (ROSTA) and TACT Talent Academy (TACTTA) for the 2024-2025 season.
- **STA** means Sport Transferal Athlete
- **Sport** means Triathlon.
- **SC** means the Selection Committee
- **SPPSP** means the State Pathway Program Selection Policy.
- **SAC** means the Selection Appeal Committee
- **WT** means World Triathlon.

2. Right of Appeal

- (a) An Eligible Athlete who fails to be selected for the SPP pursuant to the process and criteria set out in the relevant SPPSP may appeal against their omission as set out in this document.
- (b) The sole grounds of any appeal are that the Athlete's omission from the SPP was as result of a failure by the SC to properly apply the **SPPSP**. 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.

3. Notice of Appeal

- (a) Any eligible Athlete wishing to appeal against their omission from the SPP 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 NSW Triathlon or CEO of ACT Triathlon within 48 hours of notification of the non-selection, using the form in Annex 1.
- (b) After lodging the Notice of Appeal, 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 their 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 within 72 hours following communication of non-selection.
- (c) The summary of arguments and submissions in support of the Athlete's appeal must be accompanied by an appeal fee of \$100.
- (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 SAC, result in the appeal being dismissed without consideration on the merits.

4. Composition of SAC

- (a) The SAC shall be composed by any three persons available to hear the appeal, which must include the following:
 - (i) a person with a thorough knowledge of Triathlon;
 - (ii) another person of experience and skills suitable to the function of the SAC; and
 - (iii) an individual with experience in administration, appeals or due process who will chair the SAC.

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

5. **Functions of the SAC**

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

6. **Hearing of the Appeal**

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

If the SAC determines that the appeal should be dismissed without a hearing, the appellant's appeal fee of \$100 is forfeited as the costs of the appeal.

If the SAC determines the matter warrants a hearing, the SAC 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 SAC 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 Chair decides, including telephone or video conferencing;

- (v) the appellant must establish one or more grounds of appeal to the reasonable satisfaction of the SAC;

- (vi) the parties to an appeal may be represented at a hearing but not by a barrister, solicitor or a person with legal training;

- (d) Following consideration of all information that the SAC considers relevant, the SAC shall arrive at a finding. A decision of the SAC may be by a majority decision;

- (i) the SAC shall notify the CEO of NSW Triathlon and ACT Triathlon of its finding as soon as practicable;
- (ii) if the SAC considers the ground(s) alleged by the appellant to be established it shall recommend that SC reconsider the selection of the relevant SPP position;
- (iii) where the SAC considers that a ground of appeal has been established, it may stipulate that all or part of the appeal fee be refunded to the appellant.
- (iv) SC shall comply with any direction of the SAC to reconsider the selection of the relevant SPP position.
- (v) any further selection decision of SC under the direction of the SAC shall be final and binding, and no other further appeal shall be available to the appellant in respect of that selection.

NSW Triathlon / ACT Triathlon Limited

NOTICE OF APPEAL

To: Chief Executive Officer
NSW Triathlon / ACT Triathlon
Email: adam.wicks@nsw.triathlon.org.au / director@act.triathlon.org.au

1. I _____ advise that I wish to appeal my non-selection to the 2024/ 2025 State Pathway Program. **The grounds on which my appeal is based are as follows:**

[attach additional pages if necessary]

Dated:

Signed:

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Appellant

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Parents/Guardian (if appellant U18)