

PA General Selection Criteria  
Australian Paralympic Team

**2020 Tokyo Paralympic Games**



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## 1. Introduction

- A. Paralympics Australia (**PA**) is the Australian member of the International Paralympic Committee and thus the recognised National Paralympic Committee (**NPC**) for Australia. PA is authorised by the International Paralympic Committee (**IPC**) to enter duly qualified and eligible athletes in the Tokyo 2020 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 2020 Australian Paralympic Team (**Team**).
- B. 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.
- C. The Team is selected as follows:
- (a) (**Paralympic Long List**) The relevant National Federation (**NF**), or PA in the case of PA managed sports, will select a Long List comprised of athletes who are considered to have a prospect of being nominated for the Team. Those athletes must agree to be bound by these PA General Selection Criteria.
  - (b) (**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.
  - (c) (**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. All members of the Team are required to sign an Athlete Team Membership Deed to be eligible for selection.

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## 2. Selection Process for Athletes

The following diagram illustrates the selection process:<sup>1</sup>

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

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graph TD; A[Athletes are chosen or recognised as being part of the Long List by their NF] --> B[Long List]; B --> C[NF nominates an athlete to the PA for consideration for selection]; C --> D[Nomination]; D --> E[Each athlete must sign the Athlete Team Membership Deed  
PA decides whether to select a nominated athlete into the Team]; E --> F[Athletes are selected to the Australian Paralympic Team];
```

**Long List**

NF nominates an athlete to the PA for consideration for selection

**Nomination**

Each athlete must sign the Athlete Team Membership Deed

PA decides whether to select a nominated athlete into the Team

**Athletes are selected to the Australian Paralympic Team**

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

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## 3. General Information

### 3.1 Tokyo 2020 Paralympic Games Qualification Regulations

The IPC and the Tokyo Organising Committee for the 2020 Olympic and Paralympic Games (**TOCOG**) have developed the Tokyo 2020 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 enter in each sport.

The IPC Qualification Regulations can be accessed by following this link:

<https://www.paralympic.org/tokyo-2020/qualification-criteria>

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## 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 by following this link:

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

### 4.2 Classification

- (a) Only qualified athletes that meet the sport-specific classification rules, have been allocated an international sport class, and an appropriate sport class status as outlined, will be eligible to be selected in the Team.
- (b) An athlete's classification is only valid if made by a classification panel recognised by the International Federation for the sport to make such an international classification.
- (c) Athletes hold an international classification in their respective sport, which is listed on the International Federation Classification Masterlist, with a sport class status that complies with the sport's eligibility requirements as outlined in Table 1 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 Tokyo 2020 Paralympic Games Qualification Guide

**TABLE 1 2020 Qualification - Classification Requirements**

Sport	
Archery	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Athletics	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Badminton	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Boccia	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Canoe	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Cycling	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Equestrian	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Football 5-a-side	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Goalball	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Judo	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Powerlifting	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Rowing	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Shooting	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Swimming	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021. Be internationally classified before 30 June 2021
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 2021
Taekwondo	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Triathlon	Internationally classified with a 'Confirmed' sport class status or a 'Review with a Fixed Review Date' sport class status with a review date after 31 December 2021
Volleyball (sitting)	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Wheelchair Basketball	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Wheelchair Fencing	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Wheelchair Rugby	Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2021
Wheelchair Tennis	Internationally classified with a 'Confirmed' sport class status or with a 'Fixed Review Date' sport class status with a review date after 31 December 2021 or with a 'Confirmed (Transition)' sport class status

### **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

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## **5. Long List**

### **5.1 General**

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

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## **6. Nomination**

### **6.1 Nomination Criteria**

Each NF, or PA in the case of PA managed sports, will prepare Nomination Criteria for that sport and have it 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 for 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). However, the Nomination Criteria are not inconsistent with the IPC Qualification Guide 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 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.

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## **7. Selection**

### **7.1 Athlete Selection**

- (a) PA is authorised by the IPC to enter duly qualified and eligible athletes in the Games. PA has designated the PA Board to be the sole selector of the Team. PA 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 selected 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 have regard to whether an athlete:
  - (i) has a realistic prospect of achieving:
    - A. a gold medal in the Tokyo 2020 Paralympic Games;
    - B. a medal in the Tokyo 2020 Paralympic Games; or
    - C. a medal in the Paris 2024 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 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 the 2020 Australian Paralympic Team, the World Anti-Doping Agency or the athlete's sport, as the case may be;<sup>2</sup>
  - (viii) has, from the date on which he or she was nominated to the Long List, been available for sample collections as required by the Sport Integrity Australia (formerly ASADA) (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;

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<sup>2</sup> 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 athlete's NF, as the case may be, where that sanction has been satisfied in full.

- (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 Australian Paralympic Team;
  - (x) has committed any classification related offences under the IPC Athlete Classification Code, the IPC Code of Ethics, the international federation classification rules for the athlete's sport, as the case may be;
  - (xi) has completed any education modules as released 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 is eligible for selection in his or her changed class only if, in the opinion of the PA Board, the athlete is likely to compete at a level in that changed classification that would have warranted his or her 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 7.2, 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 his or her sport;
  - (ii) be eligible to participate in the Games as an Australian competitor in the class in which he or she 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, the 2020 Australian Paralympic Team or the athlete's sport, as the case may be;<sup>3</sup>

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<sup>3</sup> This paragraph does not apply to any offence in respect of which the athlete has been sanctioned under the anti-doping policy of WADA, PA or the requirements of the athlete's sport, as the case may be, where that sanction has been satisfied in full.

- (vi) comply with the drug testing requirements of PA and the athlete's Sport;
- (vii) not have any overdue financial obligations to PA or an 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 international federation 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 PA 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 as the Athlete Team Membership Deed is signed, the athlete will be deemed as being provisionally selected.

#### **7.5 Maintenance of Selection Status**

An athlete's status as a member of the Team is conditional upon his or her 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 pursuant to 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.

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## **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 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 the 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 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 PA Appeals Process, which is hereby incorporated by reference and set out in the Schedule to this document.

### **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 are able to ensure that any sponsor of theirs also adheres to them.

## **8.7 Enquiries**

Please direct all enquiries to:

General Manager, Sport  
Paralympics Australia

PO Box 596  
Sydney Markets NSW 2129  
Australia

P: +61 2 9704 0500

E: [auspara@paralympic.org.au](mailto:auspara@paralympic.org.au)

## **Attachment 1 - Endorsement, Sponsorship and Fundraising Guidelines**

Athletes must keep PA updated with who their sponsors are. Athletes must also notify the PA Commercial Team of any changes should they 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 his or her 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 (5 October 2021).

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

### **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.

### **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 his/her 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.

### **Compliance with Athlete Advertising Blackout Period**

No athlete participating in the Games may allow his or her 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 his/her image or name, he/she must notify PA 90 days prior to competing in a Games or immediately after being named to the Australian 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.

## **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 Tokyo.") 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 also apply to any words which are deceptively similar to trademarks owned by PA.

## **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).

## **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 his/her 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.

## **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.

## **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. However such organisations 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.

## **Athlete Uniform & Apparel**

As described in the Athlete Code of Conduct, Australian Paralympic Team athletes must wear the Australian Team apparel issued to them at all official Paralympics Australia 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,

Tokyo 2020 and other engagements arranged by PA. At these official functions, Athletes may not wear branded apparel or accessories that are not part of the Australian Paralympic 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 his or her 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.

### **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.



## Attachment 2 – Selection Appeals Process for the Tokyo 2020 Australian Paralympic Team

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### 1. Introduction

This Schedule contains the appeals process for athletes who are not selected in the Team.

For the avoidance of doubt, this Schedule only applies to appeals against a Selection Decision, not a nomination decision made by an NF. Appeals against a nomination decision must be made in accordance with the applicable Nomination Appeals Process. Athletes should be aware that there is a very short time limit within which they may appeal a Selection Decision. PA strongly encourages athletes to seek independent legal advice before appealing a Selection Decision.

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### 2. Selection Appeal

**2.1** If You are not selected to be a member of the Team by PA You may appeal to PA (**Selection Appeal**) in accordance with clause 2.2

#### **2.2 Procedure of appeal**

- (a) You must submit a notice of Appeal, in writing, which may be sent by email or facsimile (**Notice of Appeal**) and must be received within 24 hours of Your receipt of notice of the failure to be selected.
- (b) The Notice of Appeal must set out:
  - (i) the decision to which the appeal relates;
  - (ii) the ground on which the appeal is made;
  - (iii) the reasons or circumstances supporting the grounds of appeal; and
  - (iv) any other information which You deem pertinent to the appeal.
- (c) Within 48 hours of receipt of the Notice of Appeal, PA shall appoint an appeals committee which shall comprise no less than three people (**Committee**) and shall notify You of the composition of the Committee and the timing of the hearing of the appeal.
- (d) The Committee shall include:
  - (i) the Chief Executive;
  - (ii) a member of the PA Board; and
  - (iii) a person independent of PA (who shall be the appointed as chairperson of the Committee).
- (e) The appeal shall be heard as soon as reasonably practicable, following the formation of the Committee.
- (f) The Committee may determine its own procedure as to how the appeal process will be run, provided it complies with the principles of natural justice and advises You of that procedure.
- (g) The Committee shall consider the evidence and make a determination as soon as reasonably practicable after the hearing.

- (h) Within 24 hours of making a decision, the Committee must notify You and PA in writing of the decision, which will be binding on You.

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### **3. General**

#### **3.1 Notices**

Each communication (including a Notice of Appeal) under or in connection with this Schedule:

- (a) must be in writing;
- (b) must be addressed, where applicable, as follows (or as otherwise notified from time to time):

#### **PA**

Name:	Paralympics Australia
Address:	Building A, 1 Herb Elliot Ave Sydney Olympic Park NSW 2127
Email:	auspara@paralympic.org.au
For the attention of:	Chief Executive Officer and a copy to the General Manager, Sport

#### **Athlete**

As specified by the athlete in the Notice of Appeal or as otherwise notified from time to time.

- (c) must be signed by the party making it or (on that party's behalf) by the solicitor for, or any attorney, director, secretary or authorised agent of, that party;
- (d) must be sent by email or facsimile to the number, of the addressee, in accordance with clause 2.1(a); and
- (e) is taken to be received by the addressee:
- (i) (in the case of email or fax) at the time in the place to which it is sent equivalent to the time shown in the sent information of the sender of the email or fax, unless the sender receives information which demonstrates (when viewed reasonably) that the sender did not receive the email or fax,

but if the communication is taken to be received on a day that is not a Business Day or after 5.00 pm, it is taken to be received at 9.00 am on the next Business Day.

#### **3.2 Confidentiality**

- (a) **(General)** The outcome of the proceeding will remain confidential, unless the parties agree otherwise. If the parties do agree to publicise the results of the proceeding, the award, a summary and/or press release outlining the results of the proceeding will be made public by the Court of Arbitration for Sport.

- (b) **(NF exception)** PA may disclose and discuss with an NF of any party to these proceedings any information (including submissions, rulings, awards and decisions) related to or arising out of arbitration conducted under this Schedule. This action will not amount to a breach of any confidentiality obligations. The NF must keep this information confidential.