



Paralympic Team Nomination, Selection & Appeals By-Law

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 Paralympic Games (**Games**) PA selects the Australian Paralympic Team (**Team**).
- 1.2. The purpose of this By-Law is to:
- (a) set out the process for the nomination and selection of Athletes and Officials to the Team;
 - (b) establish a nomination and selection appeals mechanism dealing with Appeals against the application of the eligibility and performance criteria; and
 - (c) provide for the NST to hear Appeals.
- 1.3. The Team is selected as follows:
- (a) **Long List** – The relevant National Federation (**NF**), or PA in the case of PA managed Sports, may establish 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 this By-Law and the General Selection Criteria for the Games. Being on a Long List does not mean that an Athlete will be nominated or selected.
 - (b) **Nomination** – Athletes must be nominated (and any reference to nomination includes a reference to denomination) by their NF, or PA in the case of PA managed Sports, to be considered for selection into the Team. Athletes are nominated by their NF, or PA in the case of PA managed Sports 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.

2. Definitions

Appeal	means a Nomination Appeal or Selection Appeal where a single NST member of the General Division of the NST will arbitrate the dispute relating to an Athlete's non-nomination or non-selection to the Team.
Athlete	means any Person who: <ul style="list-style-type: none">(a) competes or participates in a Sport under the authority of a NF or PA Member; or(b) 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.
Business Day	means a day other than a Saturday, Sunday or public holiday in Sydney, New South Wales, Australia.
By-Law	means this by-law which documents the nomination, selection and appeal processes, as amended by PA from time to time.
Games	means either the Paralympic Games or the Paralympic Winter Games in which the Team is to compete or participate.
IPC	means the International Paralympic Committee.
IPC Qualification Regulations	means the Paralympic Games Qualification Regulations the IPC and the Organising Committee for the Games have developed which outline the qualification systems to be met for Athletes and teams seeking to compete in the Games
Long List	means a list, established by the NF, or PA in the case of PA managed Sports, comprised of Athletes who are considered to have a prospect of being nominated for the Team.
Member	means any Person that is a member of PA and includes for the avoidance of any doubt) any relevant NSO and NSOD.
National Federation or NF	means an NSO or NSOD that is a Member of PA and is the governing body in Australia for a Sport (if PA is not the governing body for that Sport) which the IPC has approved will be on the program of the Games.
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 this By-Law.
Nominated Official	means an Official that is nominated by a NF for selection to the Team in compliance with that NF's Nomination Policy and section 6 of this By-Law.
Nomination	means the nomination of an Athlete by an NF, or PA in the case of PA managed Sports, for consideration by PA for selection to the Team.

Nomination Appeal	means an Appeal, however described, against non-nomination for selection to the Team.
Nomination Appeals Policy	means the nomination appeals policy set out in Schedule 1 of this By-Law.
Nomination Criteria	means each of the sport-specific performance criteria and general eligibility criteria (which may include both subjective and objective criteria) that will be applied by the NF, or PA in the case of PA managed Sports, in making its Nominations which must comply with the requirements in section 6.3 of this By-Law.
Nomination Deadline	means that date advised by PA, as the final date Nomination can be made to PA for a Team.
Nomination Policy	means the policy, prepared in accordance with section 6 of this By-Law, pursuant to which the NF, or PA in the case of PA managed Sports, will nominate Athletes and Officials to PA for consideration for selection as Team Members.
Non-Nominated Athlete	means any Athlete who is on the Long List but is not nominated by their NF, or PA in the case of PA managed Sports, for selection to the Team for a Sport.
Non-Selected Athlete	means any Nominated Athlete who is not selected by PA to the Team.
Non-Selected Official	means any Nominated Official 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.
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.
NST	means the entity known as the National Sports Tribunal established by the <i>National Sports Tribunal Act 2019</i> .
Official	means any person who is not an Athlete and includes any coach, trainer, manager, agent, team staff, headquarter personnel, medical, paramedical personnel, parent or any other person working with, treating or assisting an Athlete

	participating in or preparing for the Games.
PA	means Paralympics Australia Limited, as the association officially recognised by the IPC for the Australian territory which has exclusive authority for Australia's participation in the Paralympic Games.
PA Board	means the board of directors elected or appointed in accordance with PA's constitution.
Paralympic Games	means the multi-sport event held once every four years under the auspices of the IPC.
Person	means a natural person or an organisation or other entity, whether incorporated or not.
Selected Athlete	means any Athlete selected by PA to the Team.
Selection Appeal	means an Appeal against the non-selection of a Nominated Athlete to the Team by PA.
Selection Appeals Policy	means the selection appeals policy set out in Schedule 2 of this By-Law.
Selection Committee	means the Selection Committee appointed under section 7.1 of this By-Law.
Selection Criteria	means the selection criteria determined by PA and described in the PA general selection criteria issued for the Team by PA.
SIA	means the entity known as Sport Integrity Australia established by the Sport Integrity Australia Act 2020.
Sport	means a sport which the IPC has approved to be on the program of the Games.
Team	means the team of athletes and officials who are selected by PA to participate in the Games.
Team Member	means: (a) a member of the Team including a Team Member notified by PA or by signing a Team Membership Agreement; or (b) a person advised by a Member to PA as a person considered suitable as a member of the Team and recognised as such by PA.

Team Membership Deed	means PA's Team Membership Agreement for Athletes and Officials which governs Athletes' and Officials' participation in the Games. Unless this By-Law defines a term that term will be defined as per the Team Membership Deed.
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3. Interpretation

In this By-Law, unless the context requires otherwise:

- 3.1. the singular includes the plural and vice-versa
- 3.2. the headings are used for convenience only and do not affect the interpretation of this By- Law
- 3.3. other grammatical forms of defined words or expressions have corresponding meanings
- 3.4. a reference to a document includes the document as modified from time to time and any document replacing it
- 3.5. a reference to a party is to a party to this By-Law and a reference to a party to a document includes the party's executors, administrators, successors and permitted assigns and substitutes
- 3.6. the word 'month' means calendar month and the word 'year' means 12 months
- 3.7. the words 'in writing' include any communication sent by letter, facsimile transmission or email or any other form of communication capable of being read by the recipient
- 3.8. a reference to a thing includes a part of that thing
- 3.9. a reference to all or any part of a statute, rule, regulation or ordinance (Statute) includes that Statute as amended, consolidated, re-enacted or replaced from time to time
- 3.10. wherever 'include', 'for example' or any form of those words or similar expression is used, it must be construed as if it were followed by '(without being limited to)'
- 3.11. a reference to time is to Australian Eastern Standard Time
- 3.12. a reference to any agency or body, if that agency or body ceases to exist or is reconstituted, renamed or replaced or has its powers or functions removed (Defunct Body), means the agency or body that performs most closely the functions of the Defunct Body, and
- 3.13. if a Person to whom this By-Law applies consists of more than one Person, then this By-Law bind them jointly and severally.

4. Commencement

This By-Law commences on 02 May 2023.

5. Long List

Athletes may be chosen by their NF, or PA in the case of PA managed Sports, to be part of the Long List for their Sport. The Long Lists comprise Athletes who have a prospect (but no guarantee) of being nominated by their NF to PA for selection in the Team.

6. Nomination of Athletes and Officials

6.1. Introduction

- (a) In respect of the Games, each NF, or PA in the case of PA managed Sports, may nominate Athletes and Officials to be considered by PA for selection as a Team Member for a Sport.
- (b) Only Athletes on a Long List may be nominated for consideration.
- (c) Only PA, not a NF, may select Athlete and Officials to be Team Members.
- (d) PA will only select Athletes to be Team Members from the Athletes that have been nominated by a NF in accordance with this By-Law.
- (e) Each NF acknowledges and agrees that the nomination of Officials by a NF (if any) is a statement of preference only.
- (f) PA will determine the Officials to be selected to the Team at its absolute and sole discretion.

6.2. Nomination Policy

- (a) Each NF, and PA in the case of PA managed Sports, must develop and adopt a Nomination Policy.
- (b) Each NF must submit its proposed Nomination Policy to the Team Chef de Mission for approval on a date advised by the Team Chef de Mission or such other date as agreed between PA and each NF.
- (c) Once an NF's and PA's Nomination Policy is approved by PA, the NF and PA must:
 - (i) not alter its Nomination Policy without the prior approval of PA;
 - (ii) publish its Nomination Policy on its website and social media channels;
 - (iii) communicate its Nomination Policy to all Athletes on the Long List and all possible Officials for the Games; and
 - (iv) ensure its Nomination Policy is known and adhered to.

6.3. Extenuating Circumstances

- (a) In determining whether an Athlete has met an NF's or PA's Nomination Criteria, each NF or PA may have regard to extenuating circumstances.
- (b) For the purposes of sections 6.3 and 6.4, **extenuating circumstances** means an inability to compete in, or attend, events, trials, training camps or other competitions arising from:
 - (i) injury or illness;
 - (ii) equipment failure;
 - (iii) travel delays;
 - (iv) 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
 - (v) any other factor or reason that is considered by the relevant NSO or NSOD to constitute extenuating circumstances.

There is no obligation on an NF or PA to have regard to extenuating circumstances.

6.4. Mandatory Inclusions for a Nomination Policy

Unless otherwise authorised by PA, PA will not approve a Nomination Policy unless it:

- (a) clearly identifies each of the NF's Nomination Criteria;
- (b) includes a requirement that all Athletes must:
 - (i) meet the PA General Selection Criteria for the Games;
 - (ii) meet the Classification and Games eligibility requirements as described in the IPC Qualification Regulations;
 - (iii) be, and continue to be, eligible to participate in the Games as an Australian athlete;
 - (iv) be members of an NSO or NSOD or be eligible to represent an NF;
 - (v) not have committed any offence under the anti-doping policy of SIA, WADA, PA or the Athlete's NF for which a sanction imposed has not been discharged;
 - (vi) not have committed any offence under any integrity policy of SIA, WADA, PA or the Athlete's NF for which a sanction imposed has not been discharged;
 - (vii) not by their actions or omissions have brought themselves, their NF or PA into disrepute or censure unless such conduct is disclosed to PA in the team membership deed and PA

- decides to confirm your eligibility notwithstanding such conduct; and
 - (viii) sign a Team Membership Deed when required by PA;
 - (c) include provisions which state how:
 - (i) any objective criteria set out in the Nomination Criteria will be assessed in determining the nomination of Athletes;
 - (ii) any subjective criteria set out in the Nomination Criteria will be assessed in determining the nomination of Athletes; and
 - (iii) where both objective and subjective criteria are set out in the Nomination Criteria, the nomination of Athletes will be assessed according to both categories of criteria;
 - (d) states the NF's aims for the Games which align with the NF's overall high-performance strategy to achieve sustained sporting success at the highest level;
 - (e) states the NF can only nominate athletes up to the number of slots awarded by the International Federation;
 - (f) sets out the process the NF, or PA in the case of PA managed Sports, will follow when making its Nominations including listing a Nomination Date which is no later than the Nomination Deadline set by PA for the Team;
 - (g) identifies which (if any) extenuating circumstances (as that term is defined in section 6.4) an NF or PA will consider when determining whether an Athlete has met an NF's or PA's Nomination Criteria;
 - (h) states that all Nomination Appeals must be dealt with in accordance with the Nomination Appeals Policy (as varied from time to time) except in instances of Bipartite application and slots. Bipartite Applications and slots are NOT subject to an appeals process. Should an athlete be awarded a slot, the option does not exist for another athlete to appeal;
 - (i) outlines the process of how and when Athletes are informed of their Nominations; and
 - (j) complies with this By-Law.

6.5. Qualification Regulations

- (a) The IPC and the Organising Committee for the Games develop 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.
- (b) The IPC Qualification Regulations for the Games 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.

- (c) The nomination, selection and participation of Athletes will be determined in accordance with the IPC Qualification Regulations.
- (d) Subject always to section 6.5(c), PA will advise each NF of the number of Athlete slots it has been allocated for each Sport, where Australia has qualified under the IPC Qualification Regulations for the Games by upon receiving official confirmation from the relevant International Federation.
- (e) NFs are not permitted to nominate more Athletes than the number of athlete quota slots earned under section 6.5(d).
- (f) NFs are not permitted to nominate fewer Athletes than it has been allocated under section 6.5(d) unless otherwise agreed by with the Team Chef de Mission in advance.
- (g) NFs acknowledge and agree that all unused Athlete slots may be redistributed in accordance with the IPC Qualification Regulations.

6.6. Submission of Nominations

6.7. Each NF must deliver a written notice to PA, by the Nomination Deadline, which must:

- (a) identify each of its Nominated Athletes and Nominated Officials (if any);
- (b) include such particulars regarding Nominated Athletes and Nominated Officials as requested by PA; and
- (c) be accompanied by written confirmation signed by the CEO of the NF that each of its Nominated Athletes and Nominated Officials has met each of the Nomination Criteria.

6.8. Appeals for Non-Nomination of Athletes

All Nomination Appeals must be dealt with in accordance with the Nomination Appeals Policy.

6.9. Notifying Athletes of their Nomination

- (a) NF, or PA in the case of PA managed Sports, must notify each of its Athletes of the decision regarding the identity of each of its Nominated Athletes, along with the appeals processes open to Non-Nominated Athletes, prior to the NF or PA submitting any Nominations to PA.
- (b) Unless otherwise agreed by PA in writing, NFs and Athletes must keep all decisions regarding Nominations strictly confidential until after PA announces the selected Team Members are announced publicly by PA.

6.10. Amendments to the Nomination Policy

- (a) Each NF is required to seek and obtain PA's prior approval to any proposed amendments to its Nomination Policy.
- (b) Any amended Nomination Policy must incorporate, for the purpose of version control, the version number and date of the amendment clearly on the document.
- (c) Once any amendments to the Nomination Policy are approved by PA, NFs must:
 - (i) publish the amended Nomination Policy on the NF's website and social media channels;
 - (ii) communicate the amended Nomination Policy to all Athletes on the Long List and all possible Officials for the Games; and
 - (iii) ensure the amended Nomination Policy is known and adhered to.

6.11. Key Nomination Dates

- (a) Subject to section 6.10(b), each NF, or PA in the case of PA managed Sports, must submit its Nominations to PA prior to the Nomination Deadline.
- (b) Nominations submitted to PA after the Nomination Deadline will not be accepted unless:
 - (i) the NF or PA has been granted an extension of time in writing by PA prior to the Nomination Deadline; or
 - (ii) the NF's or PA's Nominations are delayed due to a Nomination Appeal that was commenced prior to the Nomination Deadline and that PA was notified of by the NF prior to the Nomination Deadline.

7. Selection of Athletes and Officials By PA

7.1. Selection Committee

- (a) The Board of PA will appoint all members of the Selection Committee including the Selection Committee Chair.
- (b) The Selection Committee is made up of 3 members:
 - Chef de Mission (Chair);
 - CEO;
 - PA Board member appointed by the PA Board.
- (c) The Selection Committee may elect to draw on expertise from outside of the committee at its sole discretion, particularly in the instance of a disclosure. It has no obligation to do so.

- (d) Unless otherwise determined by the Selection Committee:
 - (i) all selection meetings will be chaired by the Selection Committee Chair;
 - (ii) a meeting quorum will be two (2) members of the Selection Committee;
 - (iii) decisions will be made by majority. (i.e. at least 2 members, must approve a motion for it to be carried);
 - (iv) nominations will be presented to the Selection Committee by a member of the PA Games Delivery; and
 - (v) the Selection Committee is authorised to make decisions out of session via an appropriate electronic platform as it sees fit.

7.2. Selection Requirements

- (a) PA is solely responsible for selecting Nominated Athletes and Officials to the Team.
- (b) PA may only select Nominated Athletes to the Team if PA is satisfied that the Nomination Criteria were properly applied by the NF or PA in nominating its Nominated Athletes, and the Nominated Athlete:
 - (i) has met the Games eligibility requirements and qualification standards as determined by PA or otherwise described in the IPC Qualification Regulations;
 - (ii) is and continues to be, eligible to participate in the Games as an Australian athlete;
 - (iii) has signed and will comply with the Team Membership Deed for the Games;
 - (iv) has not committed any offence under the anti-doping policy of SIA, WADA, PA or their NF for which a sanction imposed has not been discharged);
 - (v) has not by their actions or omissions brought themselves, their NF or PA into disrepute or censure unless such conduct is disclosed to PA in the team membership deed and PA decides to confirm your eligibility notwithstanding such conduct; and
 - (vi) has satisfied any additional administrative obligations as directed by the Team Chef de Mission and PA.
- (c) PA may select Officials to the Team if PA is satisfied that the Official has:
 - (i) signed and will comply with the Team Membership Deed for Officials for the Games; and

- (ii) otherwise satisfied PA's requirements for Selected Officials.
 - (d) A breach of, or a failure by a Nominated Athlete or Official to satisfy the requirements of sections 7.2(b) and 7.2(c) may render that Nominated Athlete or Official ineligible for selection to the Team, at the determination of PA, subject to any decision of the NST following appeal by a Non-Selected Athlete under clause 7.5.
 - (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 PA, 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.
- 7.3. In considering Nominated Athletes and Officials for selection to the Team under section 7.2, PA may have regard to any extenuating circumstances however there is no obligation on PA to have regard to extenuating circumstances.
- 7.4. Notification of Selection of Athletes and Officials
- (a) PA must notify each NF in writing regarding which of its Nominated Athletes and Officials have been selected by PA as Team Members and which are Non- Selected Athletes and Non-Selected Officials (if any).
 - (b) Each NF must then notify each of its Nominated Athletes and Nominated Officials (if any), in writing, of their selection or non-selection to the Team along with the appeals processes open to Non-Selected Athletes.
 - (c) PA will not notify a NF as to which of its Nominated Athletes have been selected to the Team until all Nomination Appeals involving that NF's Nominated Athletes (if any) have concluded.
 - (d) NFs may not publish or make public any information disclosed by PA to the NF regarding the identity of the Nominated Athletes, Nominated Officials, Non-Nominated Athletes, Selected Athletes, Selected Officials and Non-Selected Athletes and Non- Selected Officials without PA's prior written consent.
 - (e) An NF must ensure its Athletes, Officials, directors, officers, employees, agents and contractors are bound to observe an obligation of confidentiality substantially similar to that which is set out in section 7.4(d).
- 7.5. Appeals for Non-Selection of Athletes

All Selection Appeals must be dealt with in accordance with the Selection Appeals Policy.

8. Review of This By-law

PA reserves the right to amend this By-Law from time to time subject to organisational needs or changes in the law. It will be reviewed at least every two years and any amendments will be approved by the PA Board, updated in the PA Policy register and updated on the PA website.

9. Version Control

Version	Board Approval Date	Description of Amendments
1	02 May 2023	

Schedule 1: Nomination Appeals Policy

Schedule 2: Selection Appeals Policy

Schedule 1: Nomination Appeals Policy

1. Definitions

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

Appeal	means a Nomination Appeal where one or more NST members of the General Division of the NST will arbitrate the dispute relating to an Athlete's non-nomination for selection to the Team.
Appellant	means a Non-Nominated Athlete who has commenced a Nomination Appeal in the NST.
Athlete	Means any Person who: (a) competes or participates in a Sport under the authority of an NF or PA Member; or (b) 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 Nominated Athlete or a Non-Nominated Athlete on the Long List and otherwise eligible for nomination for selection to the Team which is the subject of the Nomination Appeal who may be displaced or impacted by the outcome of the Nomination 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-Law.
Nominated Representative	means, where an NF has no CEO, a representative of that NF as determined by the board of that NF.
Nomination Appeal	means an appeal, however described, against non-nomination for selection to the Team.
Nomination Appeals Policy	means this nomination appeals policy as contained in Schedule 1 of the By-Law which documents the process to be followed in connection with all Nomination Appeals, as amended by PA from time to time.
Nomination Policy	means the policy, prepared in accordance with section 6 of the By-Law, under which the NF, or PA in the case of PA managed Sports, will nominate Athletes and Officials to PA for consideration for selection as Team Members.
Non-Nominated Athlete	means any Athlete who is on the Long List but is not nominated by their NF, or PA in the case of PA managed Sports, for selection 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 Nomination 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 Paralympic Games.
Paralympic Games	means the multi-sport event held once every four years under the auspices of the IPC.
Preliminary Conference	means a conference between the NST and the parties of the Nomination Appeal to discuss, amongst other things, the likely timing and costs of the Nomination Appeal.
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:
 - (a) a clause is to a clause of this Schedule 1; and
 - (b) the singular includes the plural and the converse also applies.
- 2.2. If a person to whom this Schedule applies consists of more than one person, then this Schedule 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 Nomination Appeals Policy or affect its interpretation.

3. Objective of this Nomination Appeals Policy

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

4. General Rules

- 4.1. A Non-Nominated Athlete may appeal against their non-nomination for selection to the Team in accordance with the procedures set out in this Nomination Appeals Policy. For clarity, Athletes can only appeal their non-nomination for selection to the Team after their National Federation has notified PA of the identity of each of its Nominated Athletes in accordance with section 6 of the By-Law.
- 4.2. If two or more Nomination Appeals are brought under this Nomination Appeals Policy and it appears to the NST that:
 - (a) the Nomination Appeals involve a common question; or
 - (b) the relief claimed in them are in respect of, or arise out of, the same instance of nomination; or
 - (c) there is some other reason for it being desirable to have the Nomination Appeals consolidated,these Nomination Appeals must, so far as practicable, be consolidated and heard together and the Athletes involved in these Nomination Appeals must provide reasonable assistance to the NST to achieve this outcome.

5. Parties to a Nomination Appeal

- 5.1. The Parties to a Nomination Appeal will be:
 - (a) the Appellant;
 - (b) the NF or PA in the case of PA managed Sports; and
 - (c) any Interested Parties.
- 5.2. The NF or PA and the Appellant must identify to the NST any Athletes who may be Interested Parties. Athletes may also identify themselves to the NST as potential Interested Parties.
- 5.3. If any doubt should arise as to the eligibility of a person as an Interested Party, the NF or PA in the case of PA managed Sports shall determine the matter in its sole and absolute discretion.
- 5.4. An Athlete identified as a potential Interested Party must, to participate in the Nomination Appeal, indicate to the NST that they wish to be an Interested Party in the Nomination Appeal.
- 5.5. In accordance with the NST Procedure, an Interested Party:
 - (a) must receive notice of the Nomination Appeal from the NST;
 - (b) must be given the opportunity to make submissions and give evidence in the Nomination Appeal;
 - (c) must receive a copy of the determination handed down by the NST; and
 - (d) will be bound by any determination handed down by the NST.
- 5.6. A person 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.
- 5.7. For the avoidance of doubt, an Athlete identified as a potential Interested Party in an Appeal, but who does not participate in that 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 Nomination Appeal

- 6.1. A Non-Nominated Athlete must not commence a Nomination 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-Nominated Athlete receives notice of their non-nomination, the Non-Nominated Athlete must provide Written Notice to the CEO or Nominated Representative of their NF, or PA in the case of PA managed Sports, that the Non-Nominated Athlete disputes their non-nomination to the Team (**Dispute Notice**). The Non-Nominated Athlete must include the following in the Dispute Notice:

- (a) reasons to support their decision to dispute their non-nomination;
and
 - (b) payment of an AUD\$250 application fee to the NF, which will be refunded to the Non-Nominated Athlete should the outcome of the dispute or Nomination Appeal process result in their nomination for consideration for selection for the Team.
- 6.3. Within 24 hours of the Non-Nominated Athlete giving the Dispute Notice under clause 6.2, the CEO or Nominated Representative of their NF, or PA in the case of PA managed Sports, must provide the Non-Nominated Athlete with a written statement setting out the reasons for its decision not to nominate the Non-Nominated Athlete for selection for the Team.
- 6.4. Within 24 hours of a Non-Nominated Athlete receiving the written statement of reasons in accordance with clause 6.3, the Non-Nominated Athlete must provide a written response to the CEO or Nominated Representative of their NF, or PA in the case of PA managed Sports, advising whether the Non-Nominated Athlete intends to proceed to a hearing of their Nomination Appeal in the NST.
- 6.5. The Parties must use their best endeavours, acting in good faith, 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 or Nominated Representative of the relevant NF or PA, or the Non-Nominated 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 NF or PA and the Non-Nominated Athlete in advance, or unilaterally by the NST only in exceptional circumstances.

7. Appeal to the General Division of the NST

A Nomination Appeal must be heard in the General Division of NST.

8. Grounds for an Appeal

A Non-Nominated Athlete (Appellant) may bring an Appeal for hearing on one or more of the following grounds (which the Appellant bears the onus of making out):

- (a) that the Nomination Policy was not properly applied by the NF or PA with respect to the Appellant;
- (b) the NF or PA was affected by actual bias in making its decision to not nominate the Appellant; and or
- (c) there was no material basis on which the NF's or 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 or Nominated Representative of their NF or PA of their intention to proceed to a hearing of their Nomination Appeal under clause 6.4:
 - (a) 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
 - (b) pay the AUD\$500 application fee as required by the NST.
- 9.2. For clarity, unless the Appellant and their NF or 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 a 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 nomination for consideration for selection to the Team, any application fee and Service Charges paid by the Appellant to the NST will be reimbursed to the Appellant by the NF or PA.

10. Appeal procedure

- 10.1. An 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:
 - (a) 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.
 - (b) 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).
 - (c) 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.

(d) 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 will 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:

- (a) uphold the decision of the relevant NF or PA not to nominate the Appellant for selection to the Team; or
- (b) overturn the decision of the relevant NF or PA not to nominate the Appellant for selection to the Team.

The NST can not make a nomination or selection decision itself and can only refer the matter back to the relevant NF or PA (as the case may be).

11.2. The determination handed down by the NST General Division with respect to an Appeal is final and binding on the parties.

11.3. If the NST overturns the decision of the relevant NF or PA not to nominate the Appellant for consideration for selection to the Team, the NST will then direct the relevant NF or PA to reconsider and determine its position regarding the Appellant's eligibility and suitability for nomination for consideration for selection to the Team in light of the determination of the NST.

11.4. In reconsidering and determining the NF's or PA's position regarding the Appellant's eligibility and suitability for nomination for selection to the Team, the NF or PA must observe the terms of the Nomination Policy.

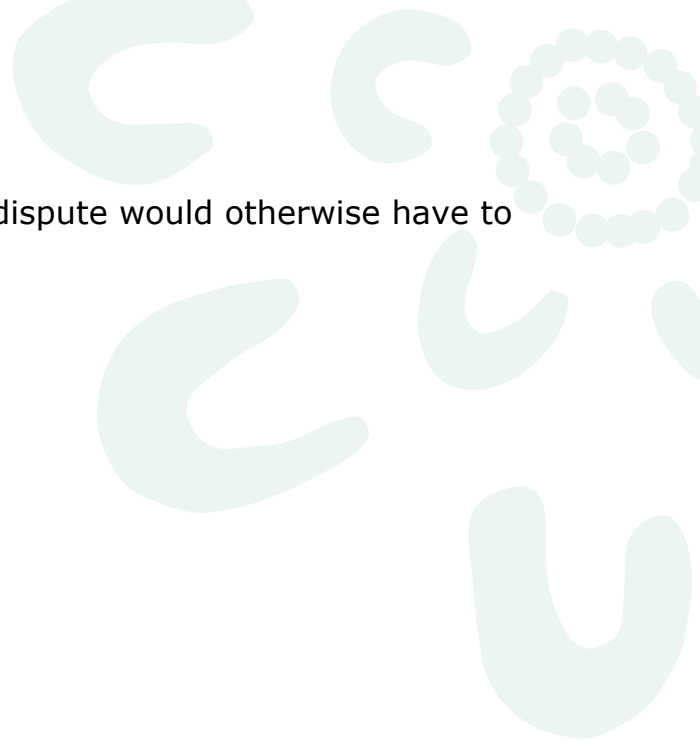
11.5. Any decision made by the NF or PA regarding the Appellant's nomination following the direction from the NST in clause 11.3, is and will be final and binding on the Appellant.

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

12.1. If, on receiving an application for a Nomination Appeal, the CEO of the NST is satisfied that it is necessary to deal with the application for a Nomination Appeal expeditiously, the CEO of the NST is to convene a Preliminary Conference (if appropriate) and then immediately appoint one or more NST members to deal with the Nomination Appeal.

12.2. The CEO of the NST and the appointed NST member(s) are to take all steps necessary to deal with the dispute the subject of the Nomination 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.



Schedule 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-

	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:
 - (a) a clause is to a clause of this Schedule 2; and
 - (b) 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:
 - (a) the Selection Appeals involve a common question; or
 - (b) the relief claimed in them are in respect of, or arise out of, the same instance of selection; or
 - (c) 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:
 - (a) the Appellant;
 - (b) PA;
 - (c) subject to clauses 5.2 – 5.9, any Interested Parties; and
 - (d) 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:
 - (a) must receive notice of the Selection Appeal from the NST;
 - (b) must be given the opportunity to make submissions and give evidence in the Selection Appeal;
 - (c) must receive a copy of the determination handed down by the NST; and
 - (d) 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:
 - (a) reasons to support their decision to dispute their non-selection; and
 - (b) 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):
 - (a) that the Selection Criteria were not properly applied by PA with respect to the Appellant;
 - (b) PA was affected by actual bias in making its decision to not select the Appellant; and/or
 - (c) 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:
 - (a) 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
 - (b) 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:
 - (a) 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.
 - (b) 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).
 - (c) 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.

- (d) 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:
 - (a) uphold the decision of PA not to select the Appellant to the Team; or
 - (b) 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.