



General Selection Criteria

2024 Australian Paralympic Team

1. Introduction

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

2. Selection Process for Athletes

The following diagram illustrates the selection process:¹

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



Long List



Each athlete must sign the Athlete Team Membership Deed

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



Nomination



PA decides whether to select a nominated athlete into the Team



Athletes are selected to the Australian Paralympic Team

Table 1: Selection process for athletes

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

3. General Information

3.1. Paris 2024 Paralympic Games Qualification Regulations

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

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

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

4. Eligibility

4.1. Nationality

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

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

4.2. Classification

- (a) Only qualified athletes that:
- (i) meet the sport-specific classification rules and,
 - (ii) have been allocated an international sport class and an appropriate sport class status as outlined

will be eligible to be considered for selection to the Team.

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

Table 2: 2024 Qualification - Classification Requirements

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

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

Table 2: 2024 Qualification - Classification Requirements

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

4.3. Additional Eligibility Requirements

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

5. Long List

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

6. Nomination

6.1. Nomination Criteria

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

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

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

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

6.2. Athlete Nomination

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

7. Selection

7.1. Athlete Selection

- (a) PA is authorised by the IPC to enter duly qualified and eligible athletes in the Games. The PA Board has designated the PA Selection Committee to be the sole selector of the Team as set out

in the Paralympic Team Nomination, Selection and Appeals By-Law. The PA Selection Committee has the exclusive right to select athletes at its sole and absolute discretion to be in the Team.

- (b) Only nominated athletes will be eligible to be considered for selection into the Team (except in special circumstances - see section 7.6 below).
- (c) PA:
 - (i) may use its complete discretion and opinion;
 - (ii) (ii) is not obliged to select athletes based on merit, fairness or reasonableness;
 - (iii) is not obliged to select a nominated athlete;
 - (iv) is not obliged to have regard to any purpose or objective;
 - (v) is not obliged to consider any fact or thing;
 - (vi) may consider any fact or thing; and
 - (vii) may consult any person(s) or organisation(s),in exercising its right to decide whether or not to select an athlete into the Team.
- (d) Without limiting anything in this section 7, when considering athletes for selection to the Team, PA may (but is not obliged to) have regard to whether an athlete:
 - (i) has a realistic prospect of achieving:
 - A. a gold medal in the Games;
 - B. a medal in the Games; or
 - C. a medal in the Los Angeles 2028 Paralympic Games;
 - (ii) meets both these PA General Selection Criteria and the relevant Sport-specific Nomination Criteria for their respective sport;
 - (iii) meets the relevant classification requirements;
 - (iv) has signed, abided by and continues to abide by any NF Athlete Agreement and these PA General Selection Criteria;
 - (v) has at all times acted in such a manner that does not risk bringing into public disrepute or censure themselves, the Sport or, if applicable, the Team, the athlete's sport or PA;
 - (vi) is of good character and holds good standing in the community;
 - (vii) has committed any doping offence under the policies of PA or the Australian Paralympic Team, the World Anti-Doping Agency or the athlete's sport, as the case may be;

- (viii) has, from the date on which the athlete was nominated to the Long List, been available for sample collection as required by Sport Integrity Australia (SIA) and if requested by SIA, provided up-to-date information regarding their whereabouts on a regular basis in accordance with the requirements of PA and their sport;
 - (ix) has been the subject of a medical assessment, the results of which are satisfactory in the opinion of PA, and qualify the athlete for inclusion in the Team;
 - (x) has committed any classification related offences under the IPC Athlete Classification Code, the IPC Code of Ethics, the IF's classification rules for the athlete's sport, as the case may be;
 - (xi) has completed any education modules as released and required by the IPC, PA or SIA; and
 - (xii) the athlete has been endorsed by their NF.
- (e) If an athlete's classification is changed by an endorsed classification agent of the athlete's sport subsequent to the athlete's selection in the Team, the athlete's selection in the Team is void. The athlete may be eligible for selection in their changed class only if, in the opinion of the PA Selection Committee, the athlete is likely to compete at a level in that changed classification that would have warranted their selection in that class initially.

7.2. Notification of possible selection

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

7.3. Athlete Team Membership Deed

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

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

7.4. Announcement of Selection

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

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

7.5. Maintenance of Selection Status

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

7.6. Selection of Non-nominated Athletes

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

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

8. General Conditions

8.1. PA Board

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

8.2. Modification

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

8.3. Detrimental Reliance

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

accordance with these PA General Selection Criteria.

8.4. Disputes

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

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

8.5. Governing Law

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

8.6. PA Athlete Endorsement, Sponsorship and Fundraising Guidelines

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

8.7. Enquiries

Please direct all enquiries to:

Head of Games & International Engagement

Paralympics Australia

PO Box 596

Sydney Markets NSW 2129

Australia

P: +61 2 9704 0500

E: auspara@paralympic.org.au

Attachment 1 - Endorsement, Sponsorship and Fundraising Guidelines

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

PA may ask athletes to participate in marketing and communications activities related to PA and these activities may conflict with personal sponsorship agreements. PA will endeavour to work with athletes to protect personal sponsorship arrangements, but athletes must keep in mind (and avoid the potential for a contractual dispute between the athlete and their sponsor) that the priority for PA is all its athletes, not specific athletes and their sponsors. PA may use an athlete's name, likeness, image, talents, reputation or the fact of their membership to the Long List or the Team for advertising, marketing, public relations and fundraising purposes at any time until 30 days following the Paralympic Games Closing Ceremony (08 October 2024).

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

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 their achievements rather than on the Paralympic Games (Games). PA will not allow ambush marketing by non-Sponsors under any circumstances.

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

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

Compliance with Athlete Advertising Blackout Period

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

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

Use of Trademarks

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

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

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

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 their web site, the fundraising portion of the site should be clearly delineated from PA trademarks and PA imagery, including Games photos. Factual Paralympic references

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

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. Such organisations, however cannot use Paralympic-themed materials, Games footage, medal imagery or photographs of the athlete from the Games in any fundraising efforts, operations or activities. Athletes must disclose to PA in writing any activity or fundraising (this includes any voluntary or paid board or committee representation) for other not-for-profit or charitable organisations.

Athlete Uniform & Apparel

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

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

3. Objective of this Selection Appeals Policy

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

4. General rules

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

the Selection Appeals must, so far as practicable, be consolidated and heard together and the Athletes involved in the Selection Appeals must provide reasonable assistance to the NST to achieve this outcome.

5. Parties to a Selection Appeal

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

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

6. Steps prior to commencing a Selection Appeal

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

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

7. Appeal to the General Division of the NST

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

8. Grounds for an Appeal

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

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

9. Making an application for an Appeal

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

10. Appeal procedure

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

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

11. Appeal outcomes – reconsideration and redetermination

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

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

- 12.1. If, on receiving an application for a Selection Appeal, the CEO of the NST is reasonably satisfied that it is necessary to deal with the application for a Selection Appeal expeditiously, the CEO of the NST will convene a Preliminary Conference (if appropriate) and then immediately appoint one or more NST members to deal with the Selection Appeal.
- 12.2. The CEO of the NST and the appointed NST member(s) will take all steps necessary to deal with the dispute the subject of the Selection Appeal as expeditiously as the case requires. This may include, but is

not limited to, waiving compliance with any provision of the NST Procedure that a party to the dispute would otherwise have to comply with.

13. VERSION CONTROL

Version	Board Approval Date	Description of Amendments
1	02 May 2023	