

Nomination Criteria

[Olympic Games]

[Sport]

1 Definitions and Interpretation

1.1 Definitions

Unless otherwise defined below, capitalised terms in this Nomination Criteria have the meaning given to them in the AOC Olympic Team Nomination and Selection By-Law, certain of which have been reproduced below for the sake of convenience.

AOC means the Australian Olympic Committee Inc and any of its officers, employees or agents and any committee it convenes including the AOC Selection Committee.

AOC Olympic Team Nomination and Selection By-Law means the document adopted by the Executive which governs, among other things, the nomination and selection of Athletes to a team for an Olympic Games or Olympic Winter Games.

AOC Selection Committee means the committee established by the AOC to send athletes and appoint officials to the Australian Olympic team for the Games.

AOC Selection Criteria means the criteria adopted by the AOC in respect of the Games which outlines the requirements for an athlete to be selected by the AOC to participate in the Games.

Athlete means a person who:

- (a) participates in the Sport; and
- (b) is recognised by the National Federation or the AOC as eligible for nomination to the AOC for selection to the Team pursuant to this Nomination Criteria.

Executive means the Executive of the AOC.

Extenuating Circumstances means:

- (c) injury or illness;
- (d) equipment failure;
- (e) travel delays;
- (f) 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
- (g) any other factors considered by the National Federation to constitute extenuating circumstances.

Games means [*].

International Federation means [*].

National Federation means [*].

Nomination Date [*].

Qualification Period means [*] to [*] [**Guidance Note:** set by the Qualification System]

Qualification System means the eligibility, participation and qualification criteria for the Sport in respect of the Games issued by the International Federation.

Sport means [the Sport] [*Guidance Note: e.g. Table Tennis*].

Sport Entries Deadline means the date on which entries to a Games must be submitted by the AOC.

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

1.2 Interpretation

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

2 General

- 2.1 This Nomination Criteria is issued by the board of the National Federation. The National Federation must provide, or otherwise make available, this Nomination Criteria to all Athletes.
- 2.2 The National Federation may only nominate Athletes to the AOC in accordance with this Nomination Criteria.
- 2.3 This Nomination Criteria will take effect on and from [1] and will cease to have effect on the Nomination Date, or such later date as is determined by the AOC in accordance with clause 8.2.
- 2.4 This Nomination Criteria applies to:
 - (a) all Athletes;
 - (b) the National Federation; and
 - (c) the AOC.

- 2.5 The terms of the AOC Olympic Team Nomination and Selection By-Law are incorporated by reference into this Nomination Criteria. The National Federation must provide, or otherwise make available, the AOC Olympic Team Nomination and Selection By-Law to all Athletes.

3 Long List

- 3.1 For the purpose only of identifying prospective members of the Team, the National Federation or AOC may maintain a Long List of Athletes.
- 3.2 For the avoidance of doubt, membership of the National Federation's or the AOC's Long List does not increase decrease or otherwise affect an Athlete's prospects of being nominated by the National Federation, or being selected by the AOC, to the Team.

4 Athlete Quota Positions

- 4.1 The National Federation may only nominate Athletes to the AOC for selection to the Team where, pursuant to the Qualification System, the International Federation has awarded the AOC or the National Federation athlete quota positions.
- 4.2 A National Federation may not nominate more Athletes than are permitted to be nominated by the AOC under the Qualification System.
- 4.3 **[Option: The National Federation may nominate less Athletes than are permitted under the Qualification System, in its absolute discretion] / The National Federation must nominate the maximum number of Athletes that are permissible under the Qualification System].**

5 Eligibility Criteria

[Guidance Note: This section sets out the 'minimum standards' an athlete must satisfy in order to be eligible to be nominated by a National Federation. Criterion in this section should be thought of as a 'pre-condition' to nomination]

The National Federation will not nominate an Athlete unless, as at the Nomination Date, the National Federation is satisfied on reasonable grounds that the Athlete:

- (a) is a member of the National Federation;
- (b) satisfies the Qualification System;
- (c) is likely to satisfy the AOC Selection Criteria;
- (d) has not breached the AOC Anti-Doping By-Law, unless the Athlete has been sanctioned for the breach and has completed the sanction imposed; and
- (e) does not, and is not likely to in the foreseeable future, suffer from any physical or mental impairment that would prevent the Athlete from competing at the Games to the highest possible standard for that Athlete;
- (f) **[Guidance Note: Insert any other 'minimum standards' criterion that is applicable to the Sport. For example, the athlete may be required to:**
 - (i) *participate in a certain competition or competitions during the Qualification Period;*
 - (ii) *attend a certain training camp or training camps; or*
 - (iii) *undertake a certain number of verifiable practice 'runs'.]*

6 Nomination Criteria

[Guidance Note: This section sets out the criterion by which the National Federation will determine whether or not an athlete should be nominated to the AOC i.e. an athlete may satisfy the 'eligibility criteria' but may not be nominated by the National Federation based on one or more of the factors listed in this section. A National Federation may choose to adopt one or more of the following systems of assessment:

Objective criteria: performance measures that are factual or independently verifiable.

Subjective criteria: performance measures that rely on an observer or observers forming an opinion as to whether the measure has been achieved.

'Tiered' allocation system: system whereby athlete quota positions are first allocated to athletes who satisfy the conditions set out in 'Tier 1', then to athletes who satisfy the conditions set out in 'Tier 2' and so on.

The following clauses are examples only to demonstrate the application of each of the above systems of assessment.

[Objective Criteria]

- 6.1 The National Federation will nominate Athletes who achieved a qualifying time of [X] at [Competition].
- 6.2 In the event that the number of Athletes who achieved a qualifying time of [X] at [Competition] exceeds the number of quota places available, quota places will be allocated to Athletes in order of lowest qualifying time, with the Athlete who achieved the lowest qualifying time ordered first.

[Subjective Criteria]

- 6.3 The National Federation will nominate Athletes who, in the opinion of the National Federation, in its absolute discretion:
- (a) will be most likely to achieve the highest competitive results at the Games; and
 - (b) is, and will remain until the conclusion of the Games, a positive ambassador for the Sport, National Federation and the Games.
- 6.4 In making its determination under clause 6.3 with respect to an Athlete, the National Federation may have regard to the following considerations, in its absolute discretion:
- (a) the Athlete's physical form and fitness;
 - (b) the likelihood that the Athlete will suffer an injury in the lead up to or during the Games;
 - (c) the benefit or detriment of the Athlete's membership on the Team with respect to team dynamics, team behaviour and team performance;
 - (d) the extent to which the Athlete has demonstrated, during the Qualification Period:
 - (i) discipline;
 - (ii) motivation; and
 - (iii) commitment to the Sport and to the Team.

[Tiered System]

- 6.5 The National Federation will nominate Athletes who are ranked in the top 30 (inclusive) on the [recognised international ranking system]. In the event that the number of Athletes who are ranked in the top 30 on [recognised international ranking system] exceeds the number of quota

places available, quota places will be allocated to Athletes in order of highest ranking, with the Athlete who has achieved the highest ranking ordered first. For the avoidance of doubt, a ranking of 1 is the highest possible ranking.

- 6.6 If additional quota places are available following the allocation of quota places according to clause 6.5, the remaining quota places will be allocated to Athletes who have achieved a qualifying time of [X] at [Competition]. In the event that the number of Athletes who have achieved a qualifying time of [X] at [Competition] exceeds the number of quota places available, quota places will be allocated to Athletes in order of lowest qualifying time, with the Athlete who has achieved the lowest qualifying time ordered first.
- 6.7 If additional quota places are available following the allocation of quota places according to clause 6.6, the remaining quota places will be allocated to Athletes who, in the opinion of the National Federation, in its absolute discretion:
- (a) will be most likely to achieve the highest competitive results at the Games; and
 - (b) is, and will remain until the conclusion of the Games, a positive ambassador for the Sport, National Federation and the Games.

7 Extenuating circumstances

[Guidance Note: National Federations can use this section to acquire some flexibility in determining whether an athlete or athletes have satisfied the nomination criteria. In particular, this clause may be useful where a National Federation chooses to use objective nomination criteria only (as that type of criteria will not afford National Federations any discretion in decision-making) or where a National Federation is aware that a high-performing athlete has been injured during the Qualification Period and was therefore unable to compete at certain competitions.

Conversely, National Federations may want to make clear to athletes that 'extenuating circumstances' will not be considered when determining whether an athlete has satisfied the nomination criteria. This approach may be useful where a national federation is aware that non-nominated athletes are likely to appeal their non-nomination and wish to circumvent any argument that factors beyond the text of the nomination criteria should have been considered by the National Federation in respect of those athletes.]

- 7.1 In determining whether an Athlete has satisfied the criteria set out in clause 6, the National Federation **[Option: may, in its absolute discretion, / will not]** have regard to Extenuating Circumstances.
- 7.2 **[Guidance Note:** *The following two clauses should only be used where a National Federation can have regard to Extenuating Circumstances*]. In the event that an Athlete determines that he or she is unable to attend a competition, camp, training session or other event which is referred to in this Nomination Criteria (**Nomination Event**), that Athlete must notify the National Federation of his or her non-attendance in writing as soon as practicable.
- 7.3 The National Federation may consider an Athlete's non-attendance at a Nomination Event to be an Extenuating Circumstance in its absolute discretion. The National Federation may require an

Athlete to undergo a medical examination as a condition of treating the Athlete's non-attendance at a Nomination Event as an Extenuating Circumstance.

8 Submission of Nominations

- 8.1 The National Federation must notify Athletes of the Nomination Date in writing.
- 8.2 The AOC may, in its absolute discretion extend the Nomination Date for the National Federation for any reason.
- 8.3 The National Federation must nominate Athletes to the AOC by the Nomination Date. The National Federation must inform Athletes of their nomination or non-nomination by no later than:
 - (a) 48 hours prior to the Nomination Date, where such written notice would be received by the Athlete 14 days prior to the Sport Entries Deadline; or
 - (b) 24 hours prior to the Nomination Date, where such written notice would be received by the Athlete within 14 days of the Sport Entries Deadline the Nomination Date,or such later date as the AOC advises the National Federation.
- 8.4 Nominations submitted to the AOC must be in the form prescribed by the AOC or in a form that is otherwise acceptable to the AOC and include any such information that is required pursuant to the AOC Olympic Team Nomination and Selection By-Law.
- 8.5 The AOC may, in its absolute discretion, accept a nomination submitted after the Nomination Date where it is submitted by the National Federation as a result of an appeal brought in accordance with the AOC Olympic Team Nomination and Selection By-Law.

9 Amendments

This Nomination Criteria may only be amended with the written consent of the AOC Selection Committee.

10 Governing Law

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