

Nomination Appeal Application Form

Instructions

1. This form should be used by a non-nominated Athlete (**Applicant**) who wishes to appeal their non-nomination (**Nomination Appeal**) to an Appeal Tribunal.

Guidance note: In the first instance, a Nomination Appeal is heard by an Appeal Tribunal. The determination of an Appeal Tribunal is final and binding on the parties, subject only to an appeal to the Court of Arbitration for Sport (**CAS**). An Applicant wishing to appeal a decision of an Appeal Tribunal to CAS must complete a different form – the CAS Application Form – which is available from the CAS Oceania Registry at c-/ Allens, Deutsche Bank Place, Corner Hunter and Phillip Streets, Sydney NSW 2000, (02) 9230 4000

2. An Applicant may only pursue a hearing of their Nomination Appeal if the Applicant and their National Federation have completed the alternative dispute resolution steps set out in clause 9.6 of the By-Law.

Guidance note: From the date that the Applicant provides written notice of their National Federation that they dispute their non-nomination (see clause 9.6(a)(ii) of the By-Law), the parties must spend, at minimum, 3 business days attempting to resolve their dispute informally by corresponding with one another. For the purpose of this form only, this period of time is known as the **ADR Time Period**.

3. This form must be completed by the Applicant.
4. Once completed, this form must be provided to:
 - a) the Chief Executive of the Applicant's National Federation; and
 - b) the Chief Executive, Legal Counsel and General Manager of Games, Support & Operations of the AOC,
 on the same date, within 24 hours of the expiry of the ADR Time Period.

5. Within 24 hours of the Chief Executive of the Applicant's National Federation receiving this form, the National Federation must convene an Appeal Tribunal to hear the Nomination Appeal.

Guidance note: Pursuant to clause 9.6(v) of the By-Law, an Appeal Tribunal is comprised of 4 individuals who, between them, have a thorough knowledge of law, Nomination Appeals and the Applicant's sport. Three of the individuals are to be selected from a 'pool' of qualified experts nominated by the AOC. The individual with a thorough knowledge of the Applicant's sport is selected by the National Federation.

6. This form will only be accepted if the Applicant pays the sum of AUD\$250.00 to their National Federation.

Practical note: Prior to providing this form to athletes, National Federations should insert their direct deposit bank account details into section 6 of this form. Alternatively, Applicants should seek these details from their National Federation prior to providing a copy of this form to the Chief Executive.

7. The Applicant should attach the Nomination Criteria adopted by their National Federation to this form.

1. Athlete details

Name _____

Address for service _____

Telephone _____

E-mail _____

National Federation membership identification no. (if applicable) _____

2. National Federation details

Name of National Federation _____

Address for service _____

Telephone _____

E-mail _____

Chief Executive of NF

Name of Chief Executive _____

Telephone _____

E-mail _____

Where individual responsible for appeal at NF is not the Chief Executive,

Responsible individual

Name of responsible individual _____

Telephone _____

E-mail _____

3. Affected Party details

Guidance note: An Appeal Tribunal must identify a person who is interested in the outcome of a Nomination Appeal as an 'Affected Party'. An Affected Party:

- a) must receive notice of the Appeal or Fast Track Appeal from the Appellant;
- b) must be given the opportunity to make submissions in the Appeal or Fast Track Appeal and give evidence;
- c) must receive a copy of the award handed down by the Appeal Forum; and
- d) will be bound by any such award

In this form, an Applicant may propose that one or more persons be identified as an Affected Party to the Nomination Appeal.

This section need not be filled out where an Applicant does not wish to propose any Affected Parties.

Name

Address for service

Telephone

E-mail

National Federation membership identification no. (if applicable)

Reason for identifying person as Affected Party

4. Appeal Grounds

Guidance note: An Applicant must appeal their non-nomination based on one or more of the grounds of appeal set out in this section (see clause 9.6(b) of the By-Law).

Applicant to 'tick' which ground of appeal he or she will rely on in bringing the Nomination Appeal.

	Ground of Appeal	By-Law ref.	
a)	In making its decision, the NF did not satisfy one or more of the requirements in clause 5.3 of the By-Law	9.6(b)(ii)(A)	<input type="checkbox"/>
b)	the applicable Nomination Criteria was not properly applied by the Non-Nominated Athlete's NF	9.6(b)(ii)(B)	<input type="checkbox"/>
c)	the NF was affected by actual bias in making its decision with respect to the Non-Nominated Athlete	9.6(b)(ii)(C)	<input type="checkbox"/>
d)	there was no material on which the NF's decision could be reasonably based	9.6(b)(ii)(D)	<input type="checkbox"/>

5. Explanation for Appeal Grounds

Applicant to provide further information about the grounds on which he or she seeks to bring the Nomination Appeal.

6. Relief sought

Applicant to provide explanation for the 'relief' sought from the Appeal Tribunal i.e. what outcome is the Applicant looking to achieve by bringing the Appeal?

7. Payment details of National Federation

Account Name	[NF to fill in]
BSB	[NF to fill in]
Account Number	[NF to fill in]
Payment description	[NF to fill in]

8. Nomination Criteria

Applicant to attach a copy of the Nomination Criteria, as adopted by their National Federation and relevant to his or her appeal, to this form.