



# **POLICY TITLE: NATIONAL TEAM SELECTION POLICY**

<b>RELATED POLICIES:</b>	Disciplinary Policy Player Contract Anti-doping Policy Smoke-free Policy Match Fixing Policy
<b>RESPONSIBLE OFFICERS:</b>	Chief Executive Officer National Coach
<b>AUTHORITY:</b>	Bowls Australia Board
<b>APPLICABLE FORMS:</b>	Request for a Selection Appeals Hearing form
<b>APPROVED:</b>	November, 2016
<b>NEXT REVIEW DATE:</b>	November, 2018

## **1 PHILOSOPHY**

- 1.1 The objective of the Bowls Australia (BA) National Team Selection Policy ("Policy") is to ensure the best possible squads, teams and Athletes are selected to achieve maximum success when representing Australia.

## **2 INTERPRETATION**

- 2.1 Unless the context otherwise requires, terms used in this Policy shall have the same meaning as in the BA Constitution, Policies and Laws of the Sport.
- 2.2 No particular selection criterion shall be weighted more or less significantly by reason only of the order in which that criterion appears in this Policy.

## **3 SELECTION**

### **3.1 BA Selectors**

- 3.1.1 BA Board shall appoint (in consultation with the CEO and National Coach), in its sole discretion, a panel of up to five but no less than three National Selectors ("Selectors") on the basis of previous national or international experience or involvement in BA competitions.
- 3.1.2 The National Coach by virtue of that position is automatically a Selector.
- 3.1.3 The Board will appoint the Chair.
- 3.1.4 No member of the BA Board, State Consultative Body, any STA Selection Committee, BA Assistant Coach or the BA Team Manager shall be appointed as a BA Selector.
- 3.1.5 Where any of the Selectors becomes or is unable to meet his/her responsibilities under this policy, the BA Board will appoint a replacement Selector.
- 3.1.6 The term of appointment shall be at the discretion of the Board.

### **3.2 Athlete eligibility**

- 3.2.1 In order to be eligible to be selected to represent Australia in any World Bowls sanctioned international event (including all international events and all other events) Athletes must:
- 3.2.1.1 Be an Australian citizen;
  - 3.2.1.2 Be a current BA individual member;
  - 3.2.1.3 Meet World Bowls eligibility requirements;
  - 3.2.1.4 Satisfy the entry requirements for the event.
- 3.2.2 Specifically to events whereby there is ongoing automatic representation for the winner, namely the Australian Champion of Champions/World Champion of Champions and the Australian Indoors/World Cup, players must be eligible as per World Bowls Regulations. This includes, but is not limited to, having not represented another nation for a minimum of two years prior to the event.

In the case where a winner of the qualifying event is to receive automatic representation but is ineligible as per the criteria the next best placed eligible representative shall be named as the Australian representative.

3.2.2.1 In the case where two or more athletes are tied in the Australian Champion of Champions, they shall be separated as per the conditions of play.

3.2.2.2 In the case of the Australian Indoors where both players are losing semi-finalists, then set points won shall determine the representative. If both players are still equal, then shots differential shall determine the representative.

3.2.2.3 In the case where two athletes are tied on all items mentioned in the conditions of play and are unable to be separated, the Australian Selection Panel shall make a final determination.

### 3.3 Athlete selection criteria

#### 3.3.1 Selection criteria ("Criteria") are:

3.3.1.1 Current Australian or international ranking (if any);

3.3.1.2 Current and previous national and international performances in events and over such periods as determined by the Selectors;

3.3.1.3 Demonstrated and/or potential ability to play in a set position, adapt to the format of play and environmental conditions for the next benchmark event;

3.3.1.4 The Athlete's current level of skill and physical fitness;

3.3.1.5 Consistency in standards of behaviour conducive to supporting the goals of the team and overall objectives of BA;

3.3.1.6 Demonstrated and/or potential ability and attitude to work with BA high performance coaching staff, team officials and other athletes;

3.3.1.7 Any current or potential injury or condition which will impair, inhibit or prevent the Athlete's performance to the requisite level; and

3.3.1.8 Any other factor considered relevant at the sole discretion of the Selectors.

### 3.4 Notification to Athletes

3.4.1 This Policy shall be available to all members of BA through the BA website.

3.4.2 Any change to this Policy shall be notified to the State and Territory Associations in accordance with the BA Constitution.

3.4.3 BA shall have no general responsibility to give notice of this Policy to Individual Members.

### 3.5 Athlete selection procedure

3.5.1 The Selectors shall select such squads, teams or individual athletes as may be required from time to time.

- 3.5.2 Subject to this Policy, the Selectors shall have total discretion in selection.
  - 3.5.3 A decision of Selectors is required to be based on the Selection Criteria. The decision of the Selectors shall be final. Selectors will try where possible to give feedback to non-selected athletes, but reasons are not required to be given for any selection decision. This shall not prevent, limit or restrict the Selectors changing the selection of any squad, team, individual athlete or official at any time in their sole discretion.
  - 3.5.4 The Selectors may from time to time in their discretion select an athlete who does not meet the Criteria at a particular point in time. This may occur in circumstances such as but not limited to illness or newly obtained citizenship.
  - 3.5.5 Athletes have no right to make submissions or representations to, or appear before, the Selectors unless expressly requested by the Selectors.
  - 3.5.6 Selected teams and/or athletes will be notified to the BA Board prior to public release and notification.
- 3.6 Athlete notification to relevant parties
- 3.6.1 Subject to any constraints imposed upon BA by third parties, athletes selected by the Selectors shall be notified of their selection and/or non-selection as soon as practicable.
  - 3.6.2 Notification will be made by the BA Chief Executive Officer or any other BA officer nominated by BA. Public notification of the Selected Athletes will be made by BA only after all selected athletes have been notified.
- 3.7 Athlete removal from a selected squad or team
- 3.7.1 Any Athlete who:
    - 3.7.1.1 Breaches BA Constitution and Policies;
    - 3.7.1.2 By reason of illness or injury is unable to perform to the required standard in the opinion of the Selectors (after having received advice from a medical practitioner);
    - 3.7.1.3 Breaches the requirements in the BA Athlete contract;
    - 3.7.1.4 Fails to continue to meet the selection criteria.
- May be ineligible for selection to or continued membership of the relevant squad or team as the case may be.
- 3.7.2 Any Selected Athlete may be removed from a national team or squad by the Selectors in consultation with relevant coaching staff as the circumstances may require. This includes where the athlete has failed to sustain his or her performance and/or attitude to a satisfactory level, provided that the required performance levels had first been discussed with the athlete, and the athlete had been given the opportunity to attain those performance levels.

## **4 APPEAL**

### **4.1 Appeal**

4.1.1 An aggrieved athlete may appeal, against a failure of the Selectors to comply with the procedures set down in this Policy. Any appeal will proceed in accordance with this clause.

### **4.2 Procedure for appeal**

4.2.1 Any appeal against a decision of the Selectors must be made within 7 days of any public announcement under Section 3.6.2.

4.2.2 Applications to convene the Selection Review Panel must be received on the prescribed form, *Request for a Selection Appeals Hearing form*, attached to this policy and accompanied by the sum of \$1,000 in clear funds (non-refundable) to BA setting out:

4.2.2.1 The procedural grounds for appeal; and

4.2.2.2 The reasons or circumstances supporting the alleged grounds of appeal;

4.2.3 Nothing in this Policy prevents the withdrawal of an appeal at any time in writing.

## **5 VERIFICATION**

5.1 On receipt of an appeal in accordance with this Policy, the BA Chief Executive Officer must immediately request that a Selection Review Panel be formed.

5.2 Once the Selection Review Panel is formed, the BA Chief Executive Officer must immediately forward the appeal documents to the Selection Review Panel.

## **6 MEMBERSHIP OF SELECTION REVIEW PANEL**

- 6.1 The Panel shall be constituted by any three persons available to hear the appeal and who are appointed by the BA Board. The Panel must include a person who is legally qualified who will chair the Panel and a former Australian Player.
- 6.2 No member of the Panel may be a party to or directly interested in the matter under consideration.

## **7 FUNCTIONS OF THE PANEL**

- 7.1 The Panel has no power of selection or re-selection. The Panel may review the matter set out in the appeal and may refer the matter back to the Selectors for consideration.

## **8 PROCEDURES FOR THE PANEL**

- 8.1 Hearings are not bound by the rules of evidence usually applicable to proceedings in courts of law, but all hearings must be conducted in accordance with the principles of natural justice.
- 8.2 On receipt of the appeal papers, the chair of the Panel shall immediately notify the other Panel members of the appeal, by electronic or other means, and shall forward copies of the relevant appeal papers to the other Panel members as a matter of urgency.
- 8.3 The Panel shall, as soon as practical, investigate and consider the matter and shall within 7 days of receiving such notice, determine whether:
  - 8.3.1 The matter should be dismissed, because in its determination, the matter has no merit; or
  - 8.3.2 The appeal warrants further review and determination in accordance with this Policy.
- 8.4 If the Panel determines the matter warrants further review under Section 8.1.2.2, it shall as soon as practicable, having regard to the timing of selection and proximity of relevant events, serve a notice in writing on the aggrieved athlete:
  - 8.4.1 Stating that the aggrieved athlete may address the Panel at a meeting to be held as soon as practicable, being not earlier than four days from the date of the notice;
  - 8.4.2 Stating the date, place and time of that meeting; and
  - 8.4.3 Informing the aggrieved athlete that he or she may do any one or more of the following:
    - 8.4.3.1 Attend that meeting (personally or by his or her representative); or
    - 8.4.3.2 Give the Panel, no later than 24 hours before the time of that meeting, a further written statement setting out relevant information surrounding the appeal.

- 8.4.4 The Panel may conduct a meeting convened in accordance with Section 8.1.3.3.1 (or any adjournment thereof) in such manner as it sees fit, but shall:
    - 8.4.4.1 Give to the aggrieved athlete and the Selectors every opportunity to be heard;
    - 8.4.4.2 Give due consideration to any written statement by the aggrieved athlete;
    - 8.4.4.3 In the case of minors it is mandatory that they are accompanied by an adult who can assist in representing them; and may
    - 8.4.4.4 Request or require the aggrieved athlete or any other witness to attend the meeting or provide such evidence as is available.
  - 8.4.5 Following consideration of all relevant and available information, the Panel shall arrive at a finding. A decision of the Panel will be by a majority decision.
  - 8.4.6 The Panel shall notify the BA Chief Executive Officer of its finding as soon as practicable.
  - 8.4.7 If the Panel considers the grounds alleged by the aggrieved athlete to be satisfied, it shall recommend that the Selectors again consider the selection of the relevant squad, team or athlete.
  - 8.4.8 The Selectors (or the Board) shall comply with any direction of the Panel in this regard.
  - 8.4.9 Any further selection decision of the Selectors under the direction of the Panel shall be final. Any appeal shall be available only in accordance with 8.1.4 of this Policy.
  - 8.4.10 The hearing would be conducted in accordance with the principles of natural justice.
- 8.5 Appeal from the Panel
- 8.5.1 Any Appeal from a decision of the Panel must be solely and exclusively resolved by Court of Arbitration for Sport (CAS) according to the Code of Sports-Related Arbitration and applying the law of Victoria. Any appeal will be at the cost of the aggrieved athlete;
  - 8.5.2 The decision of CAS will be final and binding on the parties and it is agreed that neither party will institute or maintain proceedings in any Court or Tribunal other than CAS.
  - 8.5.3 The sole grounds of any Appeal against the decision of the Panel are:
    - 8.5.3.1 There has been a breach of the rules of national justice by the Panel; or
    - 8.5.3.2 That the decision of the Panel is otherwise wrong in law.

- 8.5.3.3 An Athlete wishing to Appeal to CAS against the decision of the Panel must give written notice of that fact to the CEO of BA within 48 hours of the announcement of the decision against which the Appeal is made, and must then file his or her Statement of Appeal with CAS within 5 working days of that written notification. Failure to observe these time limits will nullify any Appeal provided that an Athlete may apply to the body that will hear the Appeal in question for an extension of time in which to commence an Appeal. The body to hear the Appeal in question may grant such an extension of time only in extenuating circumstances outside the control of the Athlete concerned.
- 8.5.3.4 All Appeals to CAS will be heard by a CAS Panel constituted in accordance with Rule 50 of the Code of Sports-Related Arbitration.
- 8.5.3.5 The power of the CAS Panel to review the facts and law pursuant to Rule 57 of the Code of Sports-Related Arbitration will be initially limited to determining whether the Appellant has made out one or more of the grounds of Appeal pursuant to By-Law 7.12(3). If the CAS Panel determines in favour of the Appellant, the hearing will only then proceed to a hearing De Novo confined to a hearing as to whether one or more of the grounds of Appeal pursuant to By-Law 7.7 have been established.
- 8.5.3.6 If CAS determines that the ground(s) alleged by the Appellant have been established then CAS shall refer the matter back to The Selectors for reconsideration.