

**BOXING AUSTRALIA INCORPORATED (BAI)
2008 AUSTRALIAN OLYMPIC TEAM - BOXING
NOMINATION CRITERIA**

1. Shadow Team Nomination

- (1) Boxing Australia Incorporated (BAI) will nominate athletes from within its sport to be members of the Australian Olympic Committee's (AOC's) Shadow Team. The AOC may recognise other athletes from within this sport to also be members of the Shadow Team.
- (2) BAI may only nominate members of the Shadow Team to the AOC for selection in the 2008 Australian Olympic Team.
- (3) BAI will advise the AOC of the athletes that it has nominated as members of the Shadow Team at such time as required by the AOC.
- (4) No athlete is eligible to be nominated or recognised as a member of the Shadow Team unless the athlete has signed the Consent to Consideration for Nomination (See Attachment 1 for form of Consent to Consideration for Nomination and Attachment 2 for Parents/Guardians Acknowledgment for Minors) and provided it to the Chief Executive Officer of BAI at Sports House, Level 2, 375 Albert Road, Albert Park, VIC 3206.
- (5) In order to be nominated by BAI as a member of the Shadow Team each athlete must:
 - (i) compete in the 2007 BAI Selection Trials to be held in Canberra on 23 -25 March 2007; or
 - (ii) compete in the 2007 Australian Championships to be held at the Mansfield Tavern & Convention Centre at 181 Wecker Rd, Mansfield, Brisbane, Queensland on 6-9 December 2007; or
 - (iii) compete in the "B" Team Selection Trials to be held at the Australian Institute of Sport in Canberra on 1 & 2 March 2008.
- (6) BAI may, at its discretion, nominate an athlete who has participated in their respective State/Territory Member Association Selection Trials to be a member of the Shadow Team. To be nominated as a member of the Shadow Team according to this clause an athlete must apply to BAI in writing.
- (7) BAI will provide all athletes chosen or recognised as members of the Shadow Team with an informative précis of the AOC Selection By-Law, a copy of the AOC Selection Criteria, the BAI Nomination Criteria, the Participation Criteria and on the request of any such athlete, a copy of the AOC Selection By-Law.

2. Making of Nominations

BAI will not make any nominations for selection to the 2008 Australian Olympic Team to the AOC unless it has adopted and implemented an anti-doping policy that conforms with the World Anti-Doping Code. Nominations will not be made to the AOC after 10:00am on 4 July 2008. Any nominations made after this deadline will be invalid unless made pursuant to a direction or award in respect of an appeal against nomination or non-nomination to a BAI Appeal Tribunal or the Court of Arbitration for Sport pursuant to the AOC's Selection By-Law and which appeal had been commenced prior to 10:00am on 4 July 2008.

The 10:00am on 4 July 2008 deadline for the making of nominations by the BAI is absolute and mandatory and applies irrespective of any deadline prescribed under the Participation Criteria or by the Organising Committee for the 2008 Olympic Games.

3. Nomination of Athletes

For the purposes of nomination to the AOC of individual athletes for consideration for selection to the 2008 Australian Olympic Team BAI will:

- (1) only nominate those athletes who are, or are recognised by the AOC as members of the Shadow Team;
- (2) only nominate athletes who meet the eligibility requirements to participate in the 2008 Olympic Games including, but not limited to:
 - (i) minimum and maximum age limits prescribed by Rule XXV of AIBA Rules for International Competitions or Tournaments;
 - (ii) being an Australian citizen and having satisfied Rule 42 of the Olympic Charter regarding nationality of competitors;
- (3) only nominate those athletes it honestly believes have met the requirements described in the AOC Selection Criteria;
- (4) only nominate those athletes who have signed the athlete nomination form issued by the AOC from time to time;
- (5) not nominate more athletes than the maximum number permitted under the Participation Criteria;
- (6) not nominate athletes who have breached the AOC Anti-Doping By-Law and have had a sanction imposed which has not been completed;
- (7) only nominate those athletes who to the satisfaction of BAI have:
 - a) subject to clauses 4, 5, 6 and 7 of this Nomination Criteria,
 - (i) won the 2007 BAI Selection Trial in their nominated weight category, and qualified a quota place in their nominated weight category to participate in the 2008 Olympic Games through the International Boxing Association (AIBA) 2007 World Championships (requirements for which are contained in the Participation Criteria at Attachment 3); or
 - (ii) in the event no Australian athlete has been allocated a quota place in the relevant nominated weight category pursuant to clause 3(7)(a)(i), qualified a quota place in their nominated weight category to participate in the 2008 Olympic Games through the 2008 Oceania Championships (requirements for which are contained in the Participation Criteria at Attachment 3);
 - b) attended all training and preparation camps and international tournaments as required by the National Coach prior to the 2008 Olympic Games. This schedule of training and preparation camps and international tournaments will be developed by the National Coach in consultation with the athlete prior to 1 May 2008. In the event an athlete is unable to attend a training camp or international tournament as required by the National Coach, the athlete must advise the BAI Chief Executive Officer in writing of this fact and the reasons before the commencement of the camp or tournament.

4. Selection Competitions

a) **2007 Australian World Championship Team**

Athletes who represent Australia in the AIBA 2007 World Championships will be automatically eligible to compete in the 2007 Australian Championships as a representative of their respective State/Territory.

b) **2008 Oceania Championships**

(i) Athletes who win the 2007 Australian Championships, held in Brisbane on 6-9 December 2007 in their nominated weight categories will, subject to Clause 5, be selected to compete in the Australia "A" Team at the 2008 Oceania Championships.

(ii) Athletes who win the 2008 "B" Team Selection Trials, held in Canberra on 1 and 2 March 2008 in their nominated weight categories will, subject to Clause 5, be selected to compete in the Australia "B" Team at the 2008 Oceania Championships. Athletes in the Australia "B" Team will be responsible for meeting all costs associated with their attendance and participation in the 2008 Oceania Championships.

c) **State/Territory Bouts**

In addition to the athletes eligible under clause 4(a), each State/Territory is eligible to enter only one athlete per weight category at the 2007 BAI Selection Trials or 2007 Australian Championships. For the avoidance of doubt this may result in some State/Territories with two athletes representing them in one or more weight categories at the 2007 Australian Championships.

d) Any State/Territory Member Association Selection Trials must be conducted in a fair, transparent and equitable manner in order to afford athletes the ability to compete in the 2007 BAI Selection Trials or 2007 Australian Championships.

5. Appeals regarding Selection Competitions

- (1) This clause 5 does not govern any dispute regarding an athlete's nomination or non-nomination by BAI to the AOC. Any dispute regarding an athlete's nomination or non-nomination by BAI to the AOC shall be made in accordance with the AOC's Olympic Team Selection By-Law, a copy of which is available from the AOC website at olympics.com.au.
- (2) Any dispute concerning selection or non-selection of an athlete for the Australian Team to compete in the 2007 World Championships or 2008 Oceania Championships must be conducted according to the process outlined in Attachment 4. For the avoidance of doubt, this includes a dispute arising from the selection or non-selection of an athlete to compete in the 2007 BAI Selection Trials or 2007 Australian Championships.
- (3) If, as a result of the process outlined in Attachment 4, an appeal is successful, the BAI Appeal Tribunal may direct BAI to conduct a Challenge Bout. Any such Challenge Bout will be conducted in accordance with the following conditions:
 - (i) the BAI will arrange a Challenge Bout within 14 days of the decision or within a time otherwise determined by the BAI Appeals Tribunal;
 - (ii) the Challenge Bout will be conducted in a venue mutually agreed by both parties,. In the event both parties cannot mutually agree on the venue, BAI will determine a neutral venue in which the Challenge Bout will be conducted.
 - (iii) the Challenge Bout will be conducted by the BAI or its nominated State/Territory Member Association with an approved computer-scoring machine and provide 5 judges with a minimum qualification of State/Territory level. BAI or the State/Territory Member Association conducting the tournament will prioritise the

allocation of the officiating judges in accordance with their current qualification ie. AIBA, followed by Oceania, Australia, then State/Territory.

- (iv) the challenging athlete will cover all expenses associated with competing in the Challenge Bout approved by the BAI including the costs for the athlete being challenged. For the avoidance of any doubt these expenses include the cost of any economy class airfares (or ground transport if reasonably practicable) and accommodation for the athlete and their coach to attend the identified State for the challenge as determined and agreed by BAI in advance of the Challenge Bout.
- (4) The winner of the Challenge Bout will be selected to compete in their nominated weight category for the relevant selection competition.

6. Challenge Bout Panel

- (1) The BAI will appoint a Challenge Bout Panel to co-ordinate and ensure the appropriate implementation of the challenge bout in accordance with the AIBA Rules for International Competitions or Tournaments.
- (2) The Challenge Bout Panel will consist of three (3) persons appointed by the BAI Board who will be reasonably considered to be impartial. For the avoidance of doubt, a person cannot have any association or relationship with either of the affected parties.
- (3) Any decisions of the Challenge Bout Panel are subject to the approval by the BAI Board.

7. Replacement of Athletes

- (1) If, after the 2007 BAI Selection Trials but prior to the 2007 World Championships an athlete selected to compete in their nominated weight category at the 2007 World Championships is no longer eligible to compete or is unable to compete due to illness or injury (as determined by BAI in accordance with clause 7(6)), then any athlete who was defeated by that athlete selected to compete in the 2007 World Championships in the nominated weight category at the 2007 BAI Selection Trials, will be invited to compete in a replacement tournament in order to determine which athlete will replace the athlete no longer able to compete.
- (2) If, after the 2007 Australian Championships, but prior to the 2008 Oceania Championships an athlete selected to compete in their nominated weight category at the 2008 Oceania Championships is no longer eligible to compete or is unable to compete due to illness or injury (as determined by BAI in accordance with clause 7(6)) then any athlete who was defeated by that athlete selected to compete in the 2008 Oceania Championships in the nominated weight category at the 2007 Australian Championships will be invited to compete in a replacement tournament in order to determine which athlete will replace the athlete no longer able to compete.
- (3) If, in accordance with clauses 7(1) and (2), a replacement tournament is to be conducted in order to determine which athlete will replace an athlete no longer able to compete, BAI will invite affected athletes within 72 hours of notification that the athlete is no longer able to take the place. Athletes wishing to compete in the replacement tournament must accept BAI's invitation to compete in the replacement tournament within 72 hours of receipt of such invitation in writing addressed to the Chief Executive Officer of BAI at Sports House, Level 2, 375 Albert Rd, Albert Park, VIC 3206 or email to bai@boxing.org.au.
- (4) The tournament will be conducted in accordance with BAI Australian Championships Rules and Competition Rules (last amended 30 November 2003) at a venue to be determined by BAI on a date determined by BAI as soon as reasonably practicable.
- (5) Any athlete who has qualified a quota place in their nominated weight category to participate in the 2008 Olympic Games through the 2007 World Championships or 2008 Oceania Championships and is no longer eligible to compete or unable to compete at the 2008 Olympic

Games due to illness or injury (as determined by BAI in accordance with clause 7(6)) then no athlete will be eligible to replace that athlete, except as prescribed by the Participation Criteria.

- (6) In order to determine whether an athlete is unable to compete due to illness or injury, BAI will consider advice from a medical practitioner nominated by the National Coach.

8. Illness/Misadventure/Extenuating Circumstances

For the purposes of determining whether an athlete has met the requirements of this Nomination Criteria, BAI will not have regard to any extenuating circumstances.

9. Amendments to Nomination Criteria

This Nomination Criteria may be amended by BAI with the approval of the AOC. Amended criteria will be distributed by BAI to Team members and Member Associations by email, facsimile or posted mail, and be posted on the BAI website (www.boxing.org.au).

10. Interpretation

Words used in this Nomination Criteria have the same meaning ascribed to them in the AOC's Selection By-Law unless a contrary meaning appears from the context.

Challenge Bout: means a bout that is conducted in accordance with clause 5 (3) of this Nomination Criteria

National Coach: means the person appointed to this position by BAI from time to time.

State/Territory Member Association: means the member amateur State or Territory Boxing Association recognised by the BAI.

2007 World Championships: means the AIBA 2007 Boxing World Championship tournament to be held 17 October – 1 November 2007 in Chicago, USA

2008 Oceania Championships: means the continental Olympic qualifying tournament to be held 21-25 April 2008 in Apia, Samoa (subject to confirmation by AIBA)

2007 BAI Selection Trials: means the tournament to be held on 23-25 March 2007 at the AIS, Canberra

2007 Australian Championships: means the tournament to be held on 6-9 December 2007 in the Mansfield Tavern & Convention Centre, 181 Wecker Rd, Mansfield, Brisbane, Queensland or other venue or date as advised by BAI

2008 "B" Team Selection Trials: means the tournament held at the AIS, Canberra on 1 and 2 March 2008

been received by me on the next business day after the date of transmission unless the AOC or BAI is advised that the transmission failed to send to the addressee.

Signature of Athlete

Date

Witness Name

Witness Signature

Attachment 3

International Boxing Association (AIBA) Qualification System (Participation Criteria)

A copy of the AIBA Qualification System (Participation Criteria) appears on the following pages.

AIBA – Boxing

Men

EVENTS (11)**Men (11)***

Light fly weight
 Fly weight
 Bantam weight
 Feather weight
 Light weight
 Light Welter
 Welter weight
 Middle weight
 Light heavy weight
 Heavy weight
 Super heavy weight

ATHLETE QUOTA**TOTAL (Men)****286****MAXIMUM PER NOC**

An NOC can enter a maximum of 1 athlete per weight category

ALLOCATION OF QUALIFICATION

Qualification is attributed to the athlete

QUALIFICATION SYSTEM PRINCIPLES - MEN

Event	Qualification	Total
2007 AIBA World Boxing Championships	The first eight (8) boxers from different NOCs in each weight category will qualify (except in the heavy weight and super heavy weight categories from which four (4) boxers only will qualify)	80
Continental Olympic Qualifying Events	204 places will be allocated on a continental basis at two continental Olympic qualifying events in America, Africa, Asia and Europe and at the continental championships in Oceania.	204
Host nation	The host nation will be allocated a maximum of 6 places if not otherwise qualified.	(-)
Tripartite Commission Invitations	2 Invitation places will be allocated by the Tripartite Commission	2
Total	Men	286

International Boxing Association (AIBA)

EVENTS

Men

Light Fly weight 48 kg	Welter weight Over 64 to 69 kg
Fly weight Over 48 to 51 kg	Middle weight Over 69 to 75 kg
Bantam weight Over 51 to 54 kg	Light Heavy weight Over 75 to 81 kg
Feather weight Over 54 to 57 kg	Heavy weight Over 81 to 91 kg
Light Over 57 to 60 kg	Super Heavy weight +91 kg
Light Welter weight Over 60 to 64 kg	

ATHLETE / NOC QUOTA

Athlete quota: 286 athletes

Maximum per NOC: 1 athlete per event

QUALIFICATION SYSTEM

Attribution of qualification

Qualification is attributed to the respective boxer.

Competition format for qualification events

Each bout at qualification events will be scheduled for four (4) 2-minute rounds.

SYSTEM IN DETAIL

284 of the total of 286 places will be distributed through:

- The AIBA World Boxing Championships
- Olympic Qualifying Tournaments:
 - Two dedicated events to be organised in each of the major continents; America, Africa, Asia and Europe
 - The continental championships of Oceania.

Within this quota, a maximum of six (6) places will be guaranteed to the host nation.

The remaining two places will be allocated to the Tripartite Invitation Commission.

Classification	Weight in kg	Africa	Asia	Europe	America	Oceania	Host nation	Total
Light Fly	48	6	6	8	6	1	1	28
Fly	Over 48 to 51	6	6	8	6	1	1	28
Bantam	Over 51 to 54	6	6	8	6	1	1	28
Feather	Over 54 to 57	6	6	8	6	1	1	28
Light	Over 57 to 60	6	5	9	6	1	1	28
Light Welter	Over 60 to 64	6	5	9	6	1	1	28
Welter	Over 64 to 69	6	5	9	6	1	1	28
Middle	Over 69 to 75	6	5	9	6	1	1	28
Light Heavy	Over 75 to 81	6	5	9	6	1	1	28
Heavy	Over 81 to 91	3	2	7	3	1	0	16
Super heavy	+91	3	2	7	3	1	0	16
Total		60	53	91	60	11	9*	284

* Nine (9) places will be reserved for the Host Nation, from which it will choose six (6) places maximum.

AIBA World Boxing Championships (80 places)

Within the quota awarded to each of the continents, the first eight (8) boxers from different NOCs in each weight category at the AIBA World Boxing Championships will qualify for the Beijing 2008 Olympic Games (except the heavy weight and super heavy weight categories from which the first four (4) boxers only will qualify).

The AIBA World Boxing Championships will be the first qualifying event for the Beijing 2008 Olympic Games. It will be followed by Olympic Qualifying Events organized on a continental basis, where the remaining places of each continent will be reallocated, based on the above table.

Continental Olympic Qualifying Events

America, Africa, Asia and Europe

The remaining places will be allocated on a continental basis, at two Continental Olympic Qualifying Events to be organised on each of these four continents.

Participation in the 1st Continental Olympic Qualifying Event will be restricted to boxers NOT having qualified for the Beijing 2008 Olympic Games during the AIBA World Championships.

Participation in the 2nd Continental Olympic Qualifying Event will be restricted to boxers NOT having qualified for the Beijing 2008 Olympic Games during either the AIBA World Championships or the 1st Continental Olympic Qualifying Event.

These dedicated Olympic qualifying events will be solely boxing events.

The split of quota allocated to the 1st and 2nd Continental Olympic Qualifying Events will be decided by AIBA following the World Championships, according to the number of places remaining for each continent and according to an agreed formula.

Oceania

The remaining places will be allocated on a continental basis, during the Oceania continental championships.

Host nation (6 places maximum)

A maximum of six (6) places will be guaranteed to the host nation. One place will be reserved in each weight category for the host nation, except in the heavy weight and super heavy weight categories.

The host nation must decide after the AIBA World Boxing Championships and prior to the Asian Olympic Qualifying Events in which categories it will take up its six (6) places (with the exception of the heavy weight and super heavy weight categories).

At this stage, the host nation may nominate up to six (6) boxers, including boxers having qualified through the AIBA World Boxing Championships: for each place gained by a boxer from the host nation at the AIBA World Boxing Championships, the Host Nation will lose a guaranteed place.

The host nation may send boxers to the Continental Olympic Qualifying Events in the categories where it has no qualified or nominated boxers.

Tripartite Commission (IOC-ANOC-AIBA) Invitation places (2 places)

Two (2) Tripartite Commission Invitation places will be made available for eligible nations.

The deadline for NOCs to submit their requests for Tripartite Commission Invitation places is 15 November 2007. The Tripartite Commission will confirm, in writing, a preliminary allocation of Invitation places to the NOCs by 31 January 2008. The allocation of remaining Invitation places will be confirmed, in writing, to the NOCs from April – July 2008.

Athletes granted Invitation places must have competed in the AIBA World Championships or in at least one of the Olympic Qualifying Events.

Further information on Invitation places is contained in the Information Paper for NOCs distributed with the qualification system manual.

QUALIFICATION TIMELINE**Tripartite Commission Invitation places**

15 November 2007	Deadline for the submission of requests for Tripartite Commission Invitation places by all NOCs
31 January 2008	The Tripartite Commission will confirm, in writing, a preliminary allocation of Invitation places to the NOCs
April - July 2008	The Tripartite Commission will confirm, in writing, the allocation of remaining Invitation places to the NOCs

AIBA World Boxing Championships

23 Oct – 3 Nov 2007	World Boxing Championships, Chicago (USA)
3 January 2008	Deadline for NOCs to confirm use of qualified places

Continental Olympic Qualifying Events**Africa**

22 - 31 Jan 2008	1st Continental Olympic Qualifying Event, Algiers (ALG)
29 February 2008	Deadline for NOCs to confirm use of qualified places
22 - 31 March 2008	2nd Continental Olympic Qualifying Event, Windhoek (NAM)
25 April 2008	Deadline for NOCs to confirm use of qualified places

America

10 to 18 March 2008	1st Continental Olympic Qualifying Event, Port of Spain (TRI)
4 April 2008	Deadline for NOCs to confirm use of qualified places
23 - 30 April 2008	2nd Continental Olympic Qualifying Event, Guatemala City (GUA)
15 May 2008	Deadline for NOCs to confirm use of qualified places

Asia

24 Jan - 3 Feb 2008	1st Continental Olympic Qualifying Event, Bangkok (THA)
25 February 2008	Deadline for NOCs to confirm use of qualified places
15 - 25 March 2008	2nd Continental Olympic Qualifying Event, Astana (KAZ)
25 April 2008	Deadline for NOCs to confirm use of qualified places

Europe

24 Feb - 3 March 2008	1st Continental Olympic Qualifying Event, Pescara (ITA)
18 March 2008	Deadline for NOCs to confirm use of qualified places
7 - 14 April 2008	2nd Continental Olympic Qualifying Event, Athens (GRE)
30 April 2008	Deadline for NOCs to confirm use of qualified places

Oceania

April 2008	Continental Championships, Canberra (AUS)
2008	Deadline for NOCs to confirm use of qualified places

Final entries

23 July 2008	Deadline for Beijing 2008 Organising Committee to receive entry forms submitted by NOCs
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DATES / PROCESS OF CONFIRMATION OF PLACES

At the conclusion of each qualifying event, the names of the athletes who have gained qualification places will be forwarded by AIBA to each athlete's NOC.

Following AIBA's notification of qualification places, NOCs must confirm their use of the qualified places to AIBA, by the above-mentioned deadline.

REALLOCATION OF UNUSED QUOTA POSITIONS

If for any reason an NOC decides not to send to the 2008 Beijing Olympic Games a boxer having qualified during the AIBA World Championships, the place will be reallocated to the continent of this NOC for the 1st Continental Olympic Qualifying Event.

If for any reason an NOC decides not to send to the 2008 Beijing Olympic Games a boxer having qualified during the 1st Continental Olympic Qualifying Event, the place will be reallocated to the continent of this NOC for the 2nd Continental Olympic Qualifying Event.

If for any reason an NOC decides not to send to the 2008 Beijing Olympic Games a boxer having qualified during the 2nd Continental Olympic Qualifying Event or during the Oceania Continental Championships, the place will revert to the Tripartite Commission for reallocation.

Attachment 4

APPEALS REGARDING SELECTION TO THE AUSTRALIAN TEAM TO COMPETE AT THE 2007 WORLD CHAMPIONSHIPS OR 2008 OCEANIA CHAMPIONSHIPS

1. BAI TEAM APPEALS TRIBUNALS

1.1. The BAI Team Appeals Tribunal that will consist of the following persons appointed by the Board of BAI:

- (1) a barrister or solicitor who will act as Chairman;
- (2) a person with a thorough knowledge of the sport of Boxing and who preferably has had recent international competition experience in the sport; and
- (3) one other person of experience and skills suitable to the function of the Tribunal;
- (4) who will constitute a quorum for the purpose of hearing and determining any appeal pursuant to clause 2, provided that with the consent of all parties to an appeal the Tribunal may be constituted by two members, one of whom must be a barrister or solicitor who will act as Chairman.

1.2. No person appointed to the BAI Team Appeals Tribunal may hear and consider any appeal pursuant to clause 2 if he or she is a member of the Board of BAI or if by reason of his or her relationship with:

- (1) the appellant;
- (2) any member of the Board of BAI or one of its State/Territory Member Associations;
- (3) any member of the Challenge Bout Panel; or
- (4) any persons whose interests may be affected by the outcome of the appeal;

he or she would be reasonably considered to be other than impartial.

1.3. Should an appellant or other party to an appeal challenge the impartiality of any member of the BAI Team Appeals Tribunal, the challenge will be determined by the Chairman sitting alone.

1.4. The BAI Team Appeals Tribunal will be bound by the following requirements:

- (1) it must observe the principles of natural justice;
- (2) it is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;
- (3) it will conduct its hearings with as little formality and technicality and with as much expedition as the proper consideration of the matter permits;
- (4) hearings may occur in such manner as the Chairman decides, including telephone or video conferencing;
- (5) each appellant must establish one or more grounds of appeal to the reasonable satisfaction of the Tribunal with full regard to the importance and gravity of the issue;
- (6) the parties to an appeal will not be entitled to be represented by a barrister or solicitor save with the leave of the BAI Team Appeals Tribunal, which leave will only be given in exceptional circumstances and, if given, may be given unconditionally or on such conditions as the BAI Team Appeals Tribunal thinks fit;

- (7) if a question of law arises during the course of a hearing, the parties may seek an adjournment in order to obtain legal advice;
- (8) If the BAI Team Appeals Tribunal is of the view that the outcome of the appeal may affect the interests of any person in addition to the respondent, it must, so far as is practicable, require that notice be given to such other person and will permit that person to appear at the hearing of the appeal and to make submissions;
- (9) it will give its decision on any appeal as soon as practicable after the hearing and will provide the Chief Executive Officer of BAI, the appellant and other parties to the appeal with a statement of the reasons for its decision; and
- (10) should the BAI Team Appeals Tribunal determine to uphold any appeal in respect of the selection or non-selection of an athlete (a) for his State/Territory Team to compete in the 2007 BAI Selection Trials or 2007 Australian Championships , or (b) for the Australian Team to compete in the 2007 World Championships or 2008 Oceania Championships, then it will direct BAI to hold a Challenge Bout for the nominated weight category between the successful appellant and the winner of the relevant selection trial or event.

2 APPEALS PROCESS FOR ATHLETES

- 2.1. Subject to clause 2.10, any dispute regarding an athlete's selection or non-selection of an athlete for the Australian Team to compete in the 2007 World Championships or 2008 Oceania Championships (including the 2007 BAI Selection Trials and 2007 Australian Championships) will be addressed according to the following appeal procedure:
 - (1) the appeal will be first heard by the BAI Team Appeal Tribunal;
 - (2) any subsequent appeal will be heard by the Appeals Arbitration Division of CAS.
- 2.2. In the event that there is more than one appeal to the BAI Team Appeals Tribunal or to CAS in respect of the same position, then such appeals must so far as is practicable be consolidated and heard together.
- 2.3. The sole grounds for any appeal to the BAI Team Appeals Tribunal are that:
 - (1) the applicable Nomination Criteria have not been properly followed and/or implemented; or
 - (2) the athlete was not afforded a reasonable opportunity by BAI or his State/Territory Member Association to satisfy the applicable Nomination Criteria; or
 - (3) the selection decision was affected by actual bias; or
 - (4) there was no material on which the selection decision could reasonably be based.
- 2.4. Subject to clause 2.6 any appeal against non-selection of an athlete for his State/Territory Team to compete in the 2007 BAI Selection Trials or 2007 Australian Championships, or for the Australian Team to compete in the 2007 World Championships or 2008 Oceania Championships, must be made to the BAI Team Appeals Tribunal. Any appeal must accord with the following procedure:
 - (1) the appellant must give written notice of his appeal to the Chief Executive Officer of BAI within 48 hours of the announcement of the decision (against which the appeal is made) by his State/Territory Member Association for inclusion or otherwise in that State/Territory Team to compete in the 2007 BAI Selection Trials or 2007 Australian Championships, or by BAI for his inclusion or otherwise in an Australian Team to compete in the 2007 World Championships or 2008 Oceania Championships; and
 - (2) within 5 working days of submitting his or her written notice of appeal, the appellant must submit in writing to the Chief Executive Officer of BAI the grounds of that appeal accompanied by a non-refundable deposit of \$300 payable to BAI.

- 2.5. Prior to the hearing of any appeal, BAI will provide the BAI Team Appeals Tribunal with a written statement as to the reasons for the decision against which the appeal is made.
- 2.6. The decision of the BAI Team Appeals Tribunal will be binding on the parties and, subject only to any appeal to CAS pursuant to clause 2.8, no party may institute or maintain proceedings in any court or tribunal other than the BAI Team Appeals Tribunal. For the avoidance of doubt, if the basis of an appeal is as a result of the actions of a State/Territory Member Association then the BAI Appeals Tribunal will bind the relevant State/Territory Member Association.
- 2.7. Where an athlete wishing to appeal a decision concerning his or her selection or non-selection (a) for his State/Territory Team to compete in the 2007 BAI Selection Trials or 2007 Australian Championships , or (b) for the Australian Team to compete in the 2007 World Championships or 2008 Oceania Championships and BAI agrees in writing, the appeal to the BAI Team Appeals Tribunal may be directly referred to Appeals Arbitration Division of CAS and in which instance the grounds of appeal must be one or more of the grounds described in clause 2.3 and the CAS panel will be vested the powers of the BAI Team Appeals Tribunal.

In such instance,

- (1) the appeal will be solely and exclusively resolved by CAS according to the Code of Sports-Related Arbitration save that CAS will not have the power to vary the time limits pursuant to clause 2.4;
 - (2) the provisions of clause 2.10 will apply to any such appeal in so far as they are relevant and clause 2.12 will not apply; and
 - (3) there will be no subsequent appeal from the decision of CAS.
- 2.8. The sole grounds for any appeal against a decision of the BAI Team Appeals Tribunal are:
 - (1) a breach of the rules of natural justice by the BAI Team Appeals Tribunal; or
 - (2) that the decision of the BAI Team Appeals Tribunal is otherwise wrong in law.
 - 2.9. Any appeal from a decision of the BAI Team Appeals Tribunal must be solely and exclusively resolved by CAS according to the Code of Sports-Related Arbitration and applying the law of New South Wales.
 - 2.10. 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. In particular, and without restricting the generality of the foregoing and for further and better assurance notwithstanding that such provisions have no applicability, there will be no right of appeal under section 38 of the Commercial Arbitration Act, 1984 (NSW) or equivalent in any of the Australian states or to apply for the determination of a question of law under section 39(1)(a) of such Act or equivalent in any of the Australian states.
 - 2.11. An athlete wishing to appeal to CAS against a decision of the BAI Team Appeals Tribunal must give written notice of that fact to the Chief Executive Officer of BAI Inc within 48 hours of the announcement of the decision against which the appeal is made (or within such time as the Chief Executive Officer may allow) and must then file his or her statement of appeal with CAS within 5 working days. Failure to observe these time limits will render any appeal a nullity provided that an athlete may apply to the body to 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.
 - 2.12. All appeals to CAS will be heard by a panel comprising three arbitrators subject to R50 of the Code of Sports-Related Arbitration.
 - 2.13. The power of the CAS panel to review the facts and the 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 clauses 2.8. If the CAS panel so determines in favour of the

appellant, the hearing will then only proceed as a hearing de novo confined, in the case of a dispute as to nomination or non-nomination of an athlete, to a hearing as to whether one or more of the grounds of appeal pursuant to clause 2.3 have been established and subject to the CAS panel observing the requirements of clause 2.14.

- 2.14. If CAS determines to uphold any appeal in respect of the selection or non-selection of an athlete (a) for his State/Territory Team to compete in the 2007 BAI Selection Trials or 2007 Australian Championships , or (b) for the Australian Team to compete in the 2007 World Championships or 2008 Oceania Championships, then it will direct BAI to hold a Challenge bout for the nominated weight category between the successful appellant and the winner of the relevant selection trial or event.