



**Gymnastics**  
Western Australia

# **GWA Regulations**

## *Appeals & Grievance Regulations*

### *Part B: State Team Selection Appeals And Injury Petitions*

**Regulations Reference No** 2  
**Date of Issue** 26<sup>th</sup> March 2009  
**Last Reviewed**  
**Controlling Body** GWA Board



Department of  
**Sport and Recreation**



# State Team Appeals Process

---

## 1. Grounds of Appeal

- 1.1. An athlete or official who is not selected in a state or representative team by a Gymsport Selection Committee may appeal that decision to the Selection Appeals Tribunal if, and only if;
  - the athlete's or officials omission from the Team was of a result of the Selection Criteria and Policy not being followed or implemented by the selectors properly. This applies to the Selection Criteria set out in the Selection Policy and the Individual Gymsport Technical Regulations; or
  - the athlete or official was not given 'fair and equal' opportunity during the selection process.
- 1.2. Appeals will not be considered where the athlete or their parents or coach are of the opinion they are better, or performed better than a 'selected' athlete.
- 1.3. All appeals must come through the club where the athlete or official is a member. Independent judges may appeal on their own behalf.

## 2. Notice of Appeal

- 2.1. Any club / judge wishing to appeal to the Selection Appeals Tribunal **must** lodge a Notice of Appeal in writing on Club letterhead to GWA within in 48 hours of the clubs being notified of the Gymsport State Team selection.
- 2.2. The Notice of Appeal must set out the grounds upon which the appeal is to be made and include written documentation setting out the arguments and or submissions the club wishes to use to be considered in support of the appeal be attached to the Notion of Appeal.
- 2.3. The Notice of Appeal must be accompanied by an Appeal Fee of \$200. If the Appeal Fee is not received at the same time, the appeal will be considered invalid.
- 2.4. The club or judge can withdraw an appeal at any time.
- 2.5. The time limits for lodging the Notice of Appeal and the appeal bond are mandatory, failure to comply with these time limits will, at the absolute discretion of GWA will result in the appeal being dismissed without consideration on the merits.

## 3. Selection Appeals Tribunal

The tribunal consists of the following people:

- GWA President or Vice President as Chair

- GWA Board Member
- A person with a thorough knowledge of the relevant Gymsport

*Anyone sitting on the Tribunal must not have a relationship with the club, judge or the athlete appealing the Gymsport Selection Committees decision.*

#### **4. Powers of the Selection Appeals Tribunal**

- 4.1. The Tribunal shall only determine whether or not the Selection Policy has been properly followed or implemented. It has no power of selection or reselection.
- 4.2. If the Tribunal determines that the Selection Policy has not been properly followed or implemented the Tribunal shall refer the matter back to the Selection Committee in which case the Tribunal may in its complete discretion give directions to the Selection Committee provided such directions do not, in effect, amount to a direction to select or not select a particular athlete or athletes.

#### **5. Procedure**

- 5.1. Once GWA receive an appeal it will be referred to the Selection Appeals Tribunal.
- 5.2. The Tribunal must convene a meeting as soon as it is possible.
- 5.3. Serve a copy of the Appeal onto the Gymsport State Team Selection Committee and direct the selection committee to file a response to the ED of GWA to the Notice of Appeal. The response must be received within 48 hours.
- 5.4. No later than 48 hours prior to the meeting the Tribunal must advise the club / judge making the appeal, the Selection Committee and any affected athletes.
- 5.5. The date and time of the meeting
- 5.6. The club / judge must send a representative to attend the meeting
- 5.7. A representative from the Gymsport Selection Committee must also attend.

## **6. Conduct of the Hearing**

6.1. The Tribunal may conduct the Meeting in such a manner as it sees fit including but not limited to by way of teleconference or videoconference and may if it considers it appropriate adjourn the Meeting provided that:

- the club/ judge making the appeal and Affected Athletes are given all reasonable opportunity to be heard; and,
- the principles of natural justice and procedural fairness are adhered to.

## **7. Matters after the Meeting**

7.1. Following the Meeting the Tribunal shall determine the appeal.

7.2. Where the Tribunal consists of 3 members it shall be sufficient for a majority of those members to agree on the decision.

7.3. The Tribunal will notify the ED of GWA and the ED of GWA shall notify all parties to the appeal and all Affected Athletes of the Panel's decision as soon as practicable after the Meeting.

7.4. Should the Tribunal refer the matter back to the Selection Committee in accordance with clause 4.2 the Selection Committee must comply with any directions given by the Tribunal provided that any such directions do not, in effect, amount to a direction to select or not select a particular athlete or athletes.

7.5. Provided the Selection Committee has complied with any directions given to it by the Tribunal there shall be no appeal from any subsequent decision of the Gymsport Selection Committee.

## **State Team Injury Petition**

---

1. Any athlete who through injury, illness or other extenuating circumstances is unable to compete in the minimum number of qualifying events may be still eligible for selection.
2. A medical certificate and /or a written explanation from the club must be sent to the Gymsport Selection Committee for consideration.
3. The Selection Committee must receive the medical certificate and explanation prior to the selection event.
4. An athlete vying for selection onto the State Team through injury petition must pass a fitness test prior to the State Team announcement.
5. If an athlete is injured after the State Team has been named, and is still within in the state, this athlete may be replaced at the discretion of the

selection committee if the athlete cannot pass a fitness test 14 days out of the team leaving.

6. If an athlete is injured whilst away with the State Team, the athlete may be replaced at the discretion of the team coaches in consultation with the Head of Delegation.