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Nomination Criteria

Paris 2024 Olympic Games

Modern Pentathlon Australia

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 and which is available at <https://www.olympics.com.au/the-aoc/athlete-guidelines/>.

AOC Selection Committee means the committee established by the AOC to select 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:

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

Games means Paris 2024 Olympic Games.

International Federation means Union Internationale de Pentathlon Moderne (UIPM).

National Categorisation and Selection Criteria means the National Federation's National Categorisation and Selection 2023-2024, as published on the National Federation's website on

17 April 2023 and which is available at the URL: <https://modernpentathlon.org.au/wp-content/uploads/2023/04/National-Categorisation-and-Selection-Criteria-2023-4-Final-2.pdf>.

National Federation means Modern Pentathlon Australia (MPA).

Nomination Date means 20 June 2024.

Qualification Period means 1 January 2023 to 23:59 on 17 June 2024.

Qualification System means the eligibility, participation and qualification criteria for the Sport in respect of the Games issued by the International Federation, which can be found at the following URL: https://www.uipmworld.org/sites/default/files/2022-12-13_-_olympic_games_paris_2024_qualification_system_-_modern_pentathlon_-_english.pdf.

Selection Committee means the National Federation's Selection Committee, as described in the National Categorisation and Selection Criteria.

Sport means Modern Pentathlon.

Sport Entries Deadline means the date on which entries to a Games must be submitted by the AOC, being 8 July 2024.

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 make this Nomination Criteria available to all Athletes participating in the Sport, including by publishing this Nomination Criteria on the National Federation's website .
- 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 the date of approval by the AOC and will cease to have effect at the conclusion of the Games.
- 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 and 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 the number of athlete quota positions awarded to the AOC or the National Federation under the Qualification System.
- 4.3 The National Federation may nominate less Athletes than the number of athlete quota positions awarded to the AOC or the National Federation under the Qualification System.

5 Eligibility Criteria

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 an Australian citizen;
- (b) is a member of the National Federation;
- (c) satisfies the Qualification System;

- (d) has satisfied the International Federation's Athlete Performance Requirements 'Category A' & Continental Championships Events as outlined in Section 6 of the National Categorisation and Selection Criteria 2023-2024;
- (e) has, in the opinion of the National Federation's Selection Committee and at its absolute discretion, engaged in ongoing and high level training and international competition during the Qualification Period and demonstrated an ongoing and appropriate level of fitness, discipline and motivation;
- (f) will satisfy the AOC Selection Criteria;
- (g) has not breached the AOC Anti-Doping By-Law, unless the Athlete has been sanctioned for the breach and has completed the sanction imposed;
- (h) 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;
- (i) is, and will remain until the conclusion of the Games, a positive ambassador for the Sport, the National Federation and the Games; and
- (j) has made, and will continue until the conclusion of the Games to make, a positive contribution to team dynamics, team behaviour and team performance; and
- (k) is the most likely to achieve the highest competitive results at the Games.

6 Nomination Criteria

- 6.1 The National Federation will nominate Athletes who have been allocated a quota place by name in accordance with the Qualification System, subject to clause 6.2 and to the Athletes meeting the eligibility criteria in clause 5.
- 6.2 In the event Australia qualifies more than two eligible Athletes in either gender (i.e. more than the maximum number permitted under the Qualification System), then the National Federation will nominate the two athletes that are the two highest-ranked Australian athletes on the UIPM World Ranking List, as at the Nomination Date.

7 Extenuating circumstances

- 7.1 In determining whether an Athlete has satisfied the criteria set out in clause 6, the National Federation may, in its absolute discretion, have regard to Extenuating Circumstances.
- 7.2 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 or the National Categorisation and Selection Criteria 2023-2024 (**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 Selection Committee 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 and/or seek additional information or documentation 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, by email to the email address provided to the National Federation by the athlete.
- 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,
- 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

- 9.1 This Nomination Criteria may only be amended with the written consent of the AOC Selection Committee.
- 9.2 The AOC may amend the AOC Selection Criteria from time to time in its absolute discretion. If advised by the AOC of such an amendment, the National Federation must update Appendix 1 to this Nomination Criteria and re-upload an updated Nomination Criteria to the National Federation's website and advise Athletes of the amendment.
- 9.3 Where the AOC forms a reasonable opinion that this Nomination Criteria requires amendment, the AOC must notify the National Federation of the required amendments. The National Federation must work collaboratively with the AOC in good faith to amend this Nomination Criteria to the satisfaction of the AOC.

10 Governing Law

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

11 Priority of Documents

To the extent of any inconsistency, the following documents shall be given the following descending order of precedence:

- (a) the AOC Constitution;
- (b) the AOC Olympic Team Nomination and Selection By-Law (including AOC Selection Criteria); and
- (c) this Nomination Criteria.