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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 and which appears at Appendix 1 of this Nomination Criteria.

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 1

January 2023 and which is available at the URL: <https://modernpentathlon.org.au/wp-content/uploads/2022/09/National-Categorisation-and-Selection-Criteria-2023-4-Final.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: www.uipmworld.org/sites/default/files/2023-03-09_-_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 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 set out at Appendix 1 to this Nomination 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.

6 Nomination Criteria

- 6.1 The National Federation will nominate eligible Athletes who have been allocated a quota place by name in accordance with the Qualification System, subject to:
 - (a) the National Federation being satisfied that those Athletes will achieve the highest competitive results at the Games; and
 - (b) clause 6.2.
- 6.2 In the event Australia qualifies more than two eligible Athletes in either gender (i.e. more than the maximum number permitted per National Olympic Committee under the Qualification System), then the National Federation will nominate the two eligible 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 clauses 5(d) and 5(e), 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 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 Appeals

- 9.1 A non-nominated athlete may only appeal against their non-nomination (***Nomination Appeal***) in accordance with the procedure set out in clause 9.6 or clause 9.9 of the AOC Olympic Team Nomination and Selection By-Law (***the AOC By-Law***).
- 9.2 Any Nomination Appeal arising out of these Nomination Criteria which is commenced under clause 9.6 of the AOC By-Law will be heard by the NST General Division in accordance with clause 9.6(c) of the AOC By-Law. For clarity, clause 9.2 does not apply to appeals against non-nomination commenced under clause 9.9 of the AOC By-Law (***Nomination Fast Track Appeal***).

10 Amendments

- 10.1 This Nomination Criteria may only be amended with the written consent of the AOC Selection Committee.
- 10.2 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.
- 10.3 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.

11 Governing Law

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

12 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.

Appendix 1 – AOC Selection Criteria



AOC SELECTION CRITERIA

PARIS 2024

The AOC has adopted this Selection Criteria pursuant to the AOC's Olympic Team Selection By-Law. This criterion governs the selection of athletes to the Games by the AOC.

1 / Eligibility for Selection

An athlete who is nominated by a National Federation for selection to the Team (***Nominated Athlete***) must satisfy the following selection criteria in order to be selected by the AOC. A Nominated Athlete must:

- A. have met the requirements of the Qualification System applying to the Nominated Athlete's sport;
- B. have satisfied the Nomination Criteria adopted by their National Federation applying to the Nominated Athlete's sport;
- C. have been nominated to the AOC by their National Federation;
- D. have met and continue to meet the eligibility requirements for Australian competitors outlined in the Olympic Charter;
- E. meet the requirements of rules 40 and 41 of the Olympic Charter;
- F. have signed and will comply with the Team Membership Agreement for Athletes for the Games and agree to sign any entry form required by the International Olympic Committee, AOC or the Organising Committee for the Games;
- G. complied with the AOC Constitution;
- H. not have breached the AOC Anti-Doping By-Law or any other By-Law adopted by the AOC from time to time, unless the Nominated Athlete has been sanctioned for the breach and has completed the sanction imposed;
- I. have been available for sample collection for the purpose of conducting anti-doping testing and have provided accurate and up to date whereabouts information within the 3-strike policy allowed for athletes under the World Anti-Doping Code;
- J. have, if required by the AOC, signed a statutory declaration regarding child protection, anti-doping matters and any other matter determined by the AOC to require declaration from time to time;
- K. not at any time have engaged in conduct (whether publicly known or not), which
 - i has brought, brings or would have the tendency to bring the Nominated Athlete or their sport into disrepute or censure; or
 - ii is or would have the tendency to be inconsistent with, contrary to or prejudicial to the best interests, reputation or values of the AOC or Team Sponsors, or as a result of which, the Nominated Athlete's continued membership would not be or would not likely be in the best interests of the Team;

- L. not at any time been charged with any offence involving violence, alcohol or drugs, Child Abuse, any sex offence, or any offence relating to any betting or gambling activities on sport, or any offence which is punishable by imprisonment (unless such charges have subsequently been withdrawn or the offences have been found to be not proven)
- M. not at any time been convicted of any offence involving violence, Child Abuse, alcohol or drugs, or any sex offence, or any offence relating to any betting or gambling activities on sport, or any offence which is punishable by imprisonment;
- N. have disclosed any criminal offence of whatever nature, with which the Nominated Athlete has been charged, or of which the Nominated Athlete has been convicted, and has consented to the Nominated Athlete's National Federation and the AOC making enquiries to relevant authorities for any details of the Nominated Athlete's criminal record (if any), including details of any charges pending or any spent convictions disclosable by law, and consents to those authorities providing that information in answer to those enquiries;
- O. have and must continue to honestly and fully disclose until the end of the Games Period information concerning any conduct that would cause an actual or potential breach of clauses 1(A) - 1(N), to their National Federation and the AOC, and consent to:
 - (a) their National Federation and the AOC making enquiries with relevant authorities regarding any disclosures; and
 - (b) consent to relevant authorities providing information to their National Federation and the AOC in relation to those enquiries; and
- P. have completed or will complete medical assessments to the satisfaction of the AOC, if required.

A breach of, or a failure by a Nominated Athlete to comply with clauses 1(A) – (P) may render that Nominated Athlete ineligible for selection to the Team, at the complete and absolute discretion of the AOC.

2 / Selection

The AOC has the sole and absolute discretion to determine:

- A. whether a Nominated Athlete has met the requirements of this Selection Criteria;
- B. whether a Nominated Athlete is eligible for selection to the Team, having regard to the requirements of this Selection Criteria and any other circumstances or criteria the AOC considers appropriate;
- C. that a Nominated Athlete is ineligible for selection to the Team for any reason (irrespective of whether the Nominated Athlete has met some or all of the requirements of this Selection Criteria); and
- D. whether it will select the maximum number of athletes (or teams, where applicable) permitted for selection by the AOC under a Qualification System, regardless of how many Nominated Athletes meet the standards required under that Qualification System.

3 / No Extenuating Circumstances

In determining whether a Nominated Athlete has met the requirements for selection to the Team, the AOC will not have regard to any extenuating circumstances.

For the purposes of this clause, "**extenuating circumstances**" means an inability to compete in, or attend, events, trials, training camps or other competitions arising from:

- (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 factor or reason that is considered by AOC to constitute extenuating circumstances.

4 / Amendments

This Selection Criteria may be amended by the AOC from time to time.

5 / Interpretation

Headings are for convenience only and do not affect interpretation. The following rules apply unless the context requires otherwise.

Unless otherwise defined in this Selection Criteria, capitalised terms used in this Selection Criteria have the meaning ascribed to them in the AOC Olympic Team Nomination and Selection By-Law.

AOC Olympic Team Nomination and Selection By-Law means the AOC Olympic Team Nomination and Selection By-Law adopted by the AOC that is in force and amended from time to time, available at <https://www.olympics.com.au/the-aoc/governance/> .

AOC Anti-Doping By-Law means the Anti-Doping By-Law adopted by the AOC that is in force and amended from time to time and available at <https://www.olympics.com.au/the-aoc/governance/>.

AOC Ethical Behaviour By-Law means the AOC Ethical Behaviour By-Law adopted by the AOC that is in force and amended from time to time, available at <https://www.olympics.com.au/the-aoc/governance/>.

Child means a person aged under the age of 18 years.

Child Abuse means physical, emotional, psychological, harming or exploitation of children, whether in person or online, whether a one-off incident or a series of incidents, whether sexual or otherwise and includes, but not limited to:

- (a) derogatory or inappropriate behaviour;
- (b) non-accidental injury to children;

- (c) inappropriate touching;
- (d) physical, emotional, psychological or sexual abuse including groomed or forced involvement in sexual behaviour, verbal or physical conduct or gesture of a sexual nature (e.g. the use of offensive stereotypes based on gender, sexual jokes, threats, intimidation);
- (e) insensitivity towards children with cultural or religious differences; or
- (f) neglect of an individual, being the failure of a person with a duty of care towards another person to provide a minimum level of care to that person, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm

Games means the Paris 2024 Olympic Games.

Games Period means the period of time between the Sport Entries Deadline and the date that is three days after the “Closing Ceremony” of that Games.

Team means the team of athletes and officials selection and appointed, respectively, by the AOC to participate in the Games.

Team Membership Agreement means the AOC Team Membership Agreement for Athletes which governs athletes’ participation in the Games.

Team Sponsors means the sponsors, suppliers and licensees of the AOC and/or the Team.

- A. A reference to a clause or schedule is to a clause or schedule of this Selection Criteria.
- B. The singular includes the plural and the converse also applies.
- C. A reference to an agreement or document (including a reference to this agreement) is to the agreement or document as amended, supplemented, novated or replaced, except to the extent prohibited by this agreement or that other agreement or document, and includes the recitals and schedules to that agreement or document.
- D. A reference to a party to this Agreement or another agreement or document includes the party's successors, permitted substitutes and permitted assigns (and, where applicable, the party's legal personal representatives).
- E. A reference to conduct includes an omission, statement or undertaking, whether or not in writing.
- F. A reference to time is to Sydney time, unless otherwise stated.
- G. Mentioning anything after includes, including, for example or similar expressions does not limit what else might be included.

6 / Law

This document is governed by the laws applicable in the State of New South Wales.