

**2022 AUSTRALIAN COMMONWEALTH GAMES TEAM
RUGBY AUSTRALIA
NOMINATION CRITERIA – RUGBY SEVENS MEN
September 20, 2021**

1 Long List

- (1) Rugby Australia (“**RA**”) will choose Athletes from within its sport to be members of Commonwealth Games Australia (“**CGA**”) Birmingham 2022 (“**B2022**”) Long List. RA may also recognise other Athletes from within this sport to be members of the Long List.
- (2) To be chosen by RA as a member of the B2022 Long List, each Athlete must:
 - (a) be recognised by RA as a member of the National Men’s Rugby Sevens Program at some point during the period of 1 January 2020 to 30 June 2022; and
 - (b) complete the RA Expression of Interest Form and return to RA care of,
Scott Bowen, Performance Manager7s,
Rugby Australia
Corner Driver Avenue & Moore Park Road
Moore Park, 2021
by no later than 30 June 2022.
- (3) To be recognised as a member of the B2022 Long List, the Athlete must:
 - (a) be an Australian citizen; and
 - (b) be a member of RA, otherwise, eligible to represent RA; and
 - (c) not have breached the CGA Anti-Doping By-Law unless the athlete has already been sanctioned for the breach and completed the sanction imposed; and
 - (d) has pre-signed the B2022 Team Membership Agreement.
- (4) RA will advise CGA of the Athletes that it has chosen as members of the B2022 Long List as required by CGA.
- (5) If an Athlete breaches the requirements of this Nomination Criteria, RA or CGA may suspend or terminate the Athlete’s membership of the B2022 Long List.

2 Nomination of Athletes

For the purposes of nomination to CGA of Athletes for selection to the B2022 Team, RA will:

- (1) only nominate Athletes who are Australian citizens, are contracted by the RA and have not by their actions or omissions brought themselves or rugby into disrepute;
- (2) only nominate those Athletes it honestly believes have met the requirements described in the Nomination Criteria;
- (3) only nominate those Athletes who have signed CGA Team Agreement;
- (4) not nominate more than 13 Athletes (including reserves) for the Rugby Sevens Men’s team;
- (5) not nominate Athletes who have breached CGA Anti-Doping By-Law unless the Athlete has already been sanctioned for the breach and has completed the sanction imposed;

- (6) only nominate Athletes who, to the satisfaction of the Men's Rugby Sevens Head Coach in consultation with the Rugby Australia Sevens National Selection Panel ("**Panel**") in their sole and absolute discretion, will achieve the optimum team compatibility and balance and assist in achieving the best possible results for Men's Rugby Sevens at the B2022 Commonwealth Games. In determining which athletes will be chosen, the Men's Rugby Sevens Head Coach and the Panel will consider factors including, but not limited to:
- (a) the current form of the athlete;
 - (b) recent performances at international level;
 - (c) national/international experience of the athlete;
 - (d) the athlete's performance and discipline during their time with the National Men's Rugby Sevens Program;
 - (e) current level of health and fitness of the athlete.
 - (f) team compatibility on and off the field; and
 - (g) specific positional requirements to achieve optimal team balance.

For the avoidance of doubt, the final decision regarding nomination to CGA for selection will be made by the Men's Rugby Sevens Head Coach.

3 **Illness/Misadventure/Extenuating Circumstances**

This clause will only apply in determining whether an Athlete has met the additional criteria imposed by RA pursuant to clauses 1(2) and 2(6):

- (1) In considering the performances of athletes at events, trials, training camps or other requirements under clauses 1(2) and 2(6) of this Nomination Criteria, the Men's Rugby Sevens Head Coach in consultation with the Panel may in their discretion give weight to extenuating circumstances.
- (2) For the purposes of clause 3, "extenuating circumstances" means an inability to compete and/or attend events, trials, training camps or other attendances arising from:
 - (a) injury or illness;
 - (b) travel delays;
 - (c) bereavement or disability arising from death or serious illness of an immediate family member; and/or
 - (d) any other factors reasonably considered by the Panel to constitute extenuating circumstances.
- (3) Athletes unable to compete at events, trials, training camps or other requirements under clauses 1(2) and 2(6) must advise the Men's Rugby Sevens Head Coach in writing of this fact and the reasons before the commencement of the relevant event, trial, training camp or other requirement.
- (4) In the case of illness or injury, athletes will be required to undergo a medical examination by a doctor or doctors nominated by the RA.
- (5) A decision in each case of extenuating circumstances will be made by the Men's Rugby Sevens Head Coach in consultation with the Panel on an individual basis. Any such decision will not be binding on CGA.

4 **Making of Nominations**

Nominations by RA must be received by the CGA no later by 5pm AEST on 3 June 2022. Nominations made after this deadline (or within such further deadline as CGA may allow acting reasonably upon the request of RA) will be invalid unless made pursuant to a direction or award in respect of an appeal against non-nomination pursuant to CGA's Nomination and Selection By-Law.

5 **Appeals**

- (1) An athlete who reasonably considers in all circumstances that her non-nomination to compete at the Games has occurred because the Panel has failed to follow or implement this Nomination Criteria is able to appeal her non-nomination.
- (2) The grounds of appeal are that:
 - (a) The Panel, in making its decision, failed to comply with the Nomination Criteria;
 - (b) The appellant was not afforded a reasonable opportunity by RA to satisfy this Nomination Criteria;
 - (c) The nomination decision was affected by actual bias; or
 - (d) There was no material on which the nomination decision could reasonably be based.
- (3) CGA has agreed in principle to adopt the jurisdiction of the National Sports Tribunal ("NST") in CGA's policies and procedures for disputes and appeals arising from the nomination of athletes (including Athletes, as defined in this document) to the 2022 Australian Commonwealth Games Team.
- (4) CGA is working with the NST to draft mandatory appeal provisions for the Birmingham 2022 Nominations & Appeals By-law, which will apply to all nomination appeals referred to in clause 5 and which will set out relevant process and procedures which must be followed. The NST is assisting CGA in developing the Birmingham 2022 Nominations & Appeals By-law, which will be forwarded to all Birmingham 2022 sports once finalised.

6 **Amendments to Nomination Criteria**

This Nomination Criteria may be amended by RA with the prior written approval of CGA. Any amended Nomination Criteria will be distributed by email to members of the Long List by RA and posted on the Rugby Australia website (www.rugby.com.au).

Interpretation

In this Nomination Criteria, Rugby Australia Sevens National Selection Panel means the panel comprised of the Performance Manager Rugby 7s, General Manager, Pathways and Performance and the Australian Rugby Sevens – Men, Head Coach.

7 **Law**

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