

**AUSTRALIAN KARATE FEDERATION INC.**  
**NATIONAL TEAM SELECTION POLICY APPEAL PROTOCOL**

**1. PURPOSES AND OBJECTS**

- 1.1 The purpose of this Protocol is to provide for a fair and impartial process whereby an athlete who fails to gain selection to the National Team may have the decision not to select him or her reviewed by an independent panel.
- 1.2 It is the object of this protocol to provide a fair and impartial process of review to all those affected by a decision to select an athlete for inclusion in the National Team in favour of another or others.

**2. DEFINITIONS**

In this Protocol:

- “AKF” means the Australian Karate Federation Incorporated;
- “Appeal” means an application to review the decision of ASC as provided for in this Protocol;
- “Appellant” means an athlete seeking to review the decision of ASC as provided for in this Protocol;
- “ASC” means Athlete Selection Committee
- “Coordinator” means the National Coaching Coordinator;
- “Executive Committee” means the Committee of Management of the AKF (also known as “the National Executive”);
- “President” means the National president of the AKF;
- “Review Panel” means the Selection Appeal and Review Panel constituted pursuant to this Protocol;
- “Selection Policy” means the AKF National Selection Policy;
- “Athlete Selection Committee” means the applicable Committee as provided for in the Selection Policy;
- “Team” means the National Team.

### **3. CONSTITUTION OF THE SELECTION APPEAL AND REVIEW PANEL**

- 3.1 There shall be a Selection Appeal and Review Panel ("Review Panel") for the purposes of this Protocol.
- 3.2 The Review Panel shall be nominated by the Executive Committee from time to time, and must be constituted by the following:
  - (a) the President, or his or her nominee, such nominee to be a member of the Executive Committee;
  - (b) the Ethics Officer, or his or her nominee;
  - (c) the Chairman of the National Referees' Council, or his or her nominee.

### **4. RIGHT OF APPEAL AGAINST NON-SELECTION**

- 4.1 An athlete ("appellant") may seek a review of a decision of the ASC ("appeal") not to select him or her for inclusion in the Team in the manner provided for in this Protocol.
- 4.2 The sole ground upon which an appellant may appeal is that that a decision of the ASC was not made in accordance with the selection criteria contained in the Selection Policy.

### **5. INSTITUTION OF APPEAL**

- 5.1 An appellant who wishes to appeal against the decision of the ASC must give oral notice of his or her intention to do so within 24 hours of the Team being announced, such notice to be given to the Coordinator by the appellant or his or her coach.
- 5.2 Following the oral notice of his or her intention to appeal as provided for in paragraph 5.1, an appellant must, within 72 hours of the announcement of the Team, give notice in writing in the form set out in the First Schedule ("Notice of Appeal") of his or her intention to appeal.
- 5.3 The Notice of Appeal must:
  - (a) be served on the Coordinator, by delivering same to the AKF National Office
  - (b) be accompanied by a fee of AUS \$500.00 hereby prescribed, such fee being refundable where the said appeal is successful;
  - (c) set out the decision of the ASC appealed from;
  - (d) set out the grounds of the appeal;
  - (e) set out those parts of the Selection Policy which the appellant claims have not been followed; and
  - (f) be accompanied by any document claimed by the appellant to be relevant.

- 5.4 It is declared that, save as is provided by paragraph 6.7, the failure of an appellant to abide by the time limits for doing any thing as provided for in this Protocol will render any purported appeal a nullity.
- 5.5 Upon receiving a Notice of Appeal, the Coordinator must within five days thereafter:
  - (a) forward the Notice of Appeal and any relevant documents to the Review Panel;
  - (b) notify any person likely to have an interest in the result of the appeal of the fact that a Notice of Appeal has been received;
  - (c) notify the ASC of the fact that Notice of Appeal has been given.
- 5.6 The ASC shall, as soon as practicable after being given notification of the Notice of Appeal, provide reasons in writing for their decision.
- 5.7 The Review Panel shall, as soon as practicable after being given notification of the Notice of Appeal, appoint a date and time to hear and determine the appeal.
- 5.8 An appellant may abandon an appeal in writing at any time prior to the hearing and determination of the appeal by the Review Panel.

## **6 PROCEDURE**

- 6.1 The Review Panel must, prior to hearing the appeal, ensure that the appellant and any persons likely to be interested in the outcome of the appeal, have been notified of the date and time appointed for the hearing, and that they have been provided with such documents (including the decision of the ASC) as the Review Panel deems relevant.
- 6.2 The Review Panel is not bound by the rules of evidence and may inform itself of any relevant matter in any manner it sees fit, recognising always the necessity to act with fairness.
- 6.3 All hearings of the Review panel are to be chaired by the Ethics Officer.
- 6.4 Save as aforesaid, the Review panel may hear an appeal in any manner it deems appropriate, including (but not limited to) telephone or video conference or other means, recognising always the necessity to act with fairness.
- 6.5 It is declared that no member of the Review Panel shall have any direct or indirect interest in the outcome of the appeal.
- 6.6 Failure of the ASC to provide reasons in writing for their decision as required by paragraph 5.5 does not prevent the Review Panel from hearing and determining the appeal.
- 6.7 The Review Panel may extend the time for giving any notice or doing any thing required by this Protocol if satisfied of the existence of exceptional circumstances

for the failure to give such notice or do such thing.

## **7. POWERS AND FUNCTIONS OF THE REVIEW PANEL**

- 7.1 It is declared that, save to review a decision of the ASC as provided for in this Protocol, the Review Panel has no power to select an athlete for inclusion in the Team.
- 7.2 Upon the hearing of an appeal instituted in accordance with this Protocol, the Review Panel may, if it is determined that the ASC has failed to apply the criteria for selection provided for in the Selection Policy:
  - (a) allow the appeal; and
  - (b) as soon as practicable, notify the Coordinator of the result of the appeal, together with the reasons for such decision.
- 7.3 Save as provided in paragraph 7.2, in all other cases the appeal shall be dismissed.
- 7.4 Upon dismissing an appeal:
  - (a) the Review Panel shall as soon as practicable notify the Coordinator of the decision to dismiss the appeal; and
  - (b) no later than 24 hours thereafter, the Coordinator shall notify all those interested in the outcome of the appeal of the decision.
- 7.4 The decision of the Review Panel is final, and shall not be called into question in any court or tribunal.

## **8. PROCEDURE FOLLOWING APPEAL**

- 8.1 Upon being notified of the decision of the Review Panel to allow an appeal as provided in paragraph 7.2, the Coordinator shall, no later than 48 hours thereafter, notify the selectors of the result of the appeal and the decision of the Review Panel.
- 8.2 Upon being notified of the decision of the Review Panel to allow an appeal as provided in paragraph 7.2, the selectors shall reconsider the decision not to include the appellant in the Team in accordance with the decision of the review Panel.
- 8.3 Should the ASC fail to select the appellant for the Team within 48 hours of being notified of the decision of the Review Panel to allow an appeal as provided in paragraph 7.2, the Coordinator shall refer the question of selection to the Executive Committee.
- 8.4 Upon being notified in accordance with paragraph 8.3, the Executive Committee will decide the question of selection.
- 8.5 In deciding for itself the question of selection, the Executive Committee shall have regard to the decision of the Review Panel, and any recommendation concerning selection made by the Coordinator, but is not bound by any such decision or

recommendation.

8.6 Upon the Executive Committee deciding any question of selection as provided in paragraph 8.5:

- (a) the Coordinator shall present a list of those selected for inclusion in the Team to the Executive Committee;
- (b) the Executive Committee shall endorse the list;
- (c) the list shall be forwarded to the National Administrator; and
- (d) the National Administrator shall notify those athletes included in the list of their selection to the team.

**FIRST SCHEDULE**  
**AUSTRALIAN KARATE FEDERATION INC.**  
**NATIONAL TEAM SELECTION POLICY APPEAL PROTOCOL**  
**NOTICE OF APPEAL**

**TO: THE NATIONAL COACHING COORDINATOR**

I (Insert Name) \_\_\_\_\_

of (Address) \_\_\_\_\_

member of (Organisation) \_\_\_\_\_

(Telephone) \_\_\_\_\_ (Mobile Telephone) \_\_\_\_\_

(Email Address) \_\_\_\_\_ (Fax) \_\_\_\_\_

having failed to gain selection to the Senior/Junior/Cadet/Children National Team (indicate category)  
for Kumite/Kata (indicate discipline)

in \_\_\_\_\_

**HEREBY GIVE NOTICE OF APPEAL** on the ground that the decision of the Athlete Selection Committee was not made in accordance with the selection criteria contained in the Selection Policy.

I provide the following particulars:

1. The decision was not in accordance with the Selection Policy for the following reasons (Supply particulars):

\_\_\_\_\_  
\_\_\_\_\_

2. I provide the following supporting information (If space insufficient attach another sheet):

\_\_\_\_\_  
\_\_\_\_\_

3. The name of the person selected in preference to me is:

\_\_\_\_\_

4. Accompanying this Notice is my cheque/money order (indicate method) in the sum of \$500.00.