



TENNIS SENIORS AUSTRALIA

APPEALS PROCEDURE, OCTOBER 2011

The following Appeals Procedure is part of the policy of the new selection criteria which will be used for teams selected in 2012.

However, this process will be used for an appeals procedure for players for the selection of teams for San Diego, 2012.

Teams will be selected after October 10th and announced towards the end of October and all nominees for teams will receive notification of team selections by email. Players have four days from the date of this notification to lodge any appeal. All appeals must be sent to the secretary.

1. Appeals

- (a) A player may appeal a decision of the Selectors regarding his or her selection or non-selection in accordance with this clause.
- (b) The sole grounds for any appeal are that the Selectors have selected a player that has not met the selection criteria set out in the advertised selection criteria.
- (c) A player:
 - (i) does not have any other rights of appeal other than as set out in this policy; and
 - (ii) must not institute or maintain proceedings in any court or tribunal in respect to matters which are covered by this policy.
- (d) The appeal process is as follows:
 - (i) If a player wishes to appeal a decision of the Selectors, the player must send a **Written Statement of Appeal** to TSA Executive by 12 noon on the fourth day following the day that the player was advised of the decision against which the appeal is being made. The Written Statement of Appeal must set out the name of the player, the player's contact details, full details of the player's grounds of appeal which must relate to the grounds of appeal set out in clause (b) and a non-refundable payment of \$200 payable to TSA.
 - (ii) The TSA Executive must provide a copy of the Written Statement of Appeal to the Selectors. Within 5 days of the player submitting his or her Written Statement of Appeal, the Selectors must provide the TSA Executive with a written reply explaining the reasons for the decision against which the appeal is made (**Written Reply**).
 - (iii) On receipt of the Written Statement of Appeal and Written Reply, the TSA Executive must convene an Appeals Tribunal (comprised of three persons a barrister or solicitor (who shall be the Chairperson or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a appeals tribunal; a person with a thorough knowledge of tennis and a person of experience and skills suitable to the function of an Appeals Tribunal. Provided such person may not include a person who is a member of the TSA Executive or a person who would, by reason of relationship with the appellant be reasonably considered to be other than impartial)) for the purposes of considering the information and determining the appeal.
 - (iv) When conducting the appeal, the Appeal Tribunal:
 - (A) must take into consideration the Written Statement of Appeal and Written Reply;

- (B) is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;
 - (C) will conduct its review with as little formality and with as much expedition as the proper consideration of the matter permits, including the use of telephone or video conferencing, or otherwise if appropriate;
 - (D) may rely on the written submissions or request the opportunity to hear from such people as it considers necessary; and
 - (E) will not allow the parties to be entitled to be represented by a barrister or solicitor except with the leave of the Appeals Tribunal. Such leave will only be given in exceptional circumstances and may be subject to such conditions at the Appeals Tribunal thinks fit.
- (e) The following provisions relate to decisions of the Appeal Tribunal:
- (i) Any decision of the Appeal Tribunal must be supported by at least 2 of the 3 members of Appeals Tribunal.
 - (ii) The Appeals Tribunal must give its decision on any appeal as soon as practicable after the hearing and must provide the player, the Selectors and the TSA Executive with a written statement of the reasons for its decision.
 - (iii) The Appeal Tribunal must dismiss the appeal if it forms the view that the relevant player has failed to establish the grounds of appeal.
 - (iv) If the decision of the Selectors which is the subject of appeal was within the discretion of the Selectors acting reasonably and applying the Selection Policy, then the Appeal Tribunal must dismiss the appeal.
 - (v) If the Appeal Tribunal finds in favour of the player that has lodged the appeal, the Appeals Tribunal can:
 - (i) caution the Selectors, but uphold the Selectors' team selection decisions; or
 - (ii) direct the Selectors to amend its team selections, provided the Appeals Tribunal considers that appropriate having regard to the impact of that decision on the players nominated by the Selectors and the ITF deadline for team selections.
- (f) If the player making the appeal fails to observe the process or any time limits set out in this policy, the Appeal Tribunal may dismiss the appeal by providing the relevant player, TSA Executive and the Selectors with written notice of its decision to dismiss the appeal. The Appeal Tribunal has been given the authority to dismiss an appeal under this clause due to the need for the team composition to be finalised promptly.
- (g) Any decision of the Appeals Tribunal will be final and binding on TSA, the Selectors and the player.

Tom Hancy
September 27th, 2011