

<b>POLICY</b>	<b>Governance</b>
TITLE:	Selection Procedures Policy
AREA:	High Performance and Sport Services
RESPONSIBILITY:	COO and National Performance Director
DRAFTED BY:	CEO and National Performance Director
DATE APPROVED:	18 <sup>th</sup> September 2019
APPROVED BY:	Paddle Australia
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## CONTENTS

1. INTRODUCTION .....	3
2. DEFINITIONS.....	3
3. CHANGES TO THIS POLICY .....	5
4. APPOINTMENT OF THE SELECTION PANELS.....	5
5. DEVELOPMENT AND APPROVAL OF SELECTION CRITERIA SUPPLEMENT .....	6
6. ELIGIBILITY .....	7
7. NOMINATION AND SELECTION .....	8
8. ANNOUNCEMENTS.....	8
9. APPEALING DECISIONS.....	9
10. REQUIREMENTS AFTER SELECTION.....	11
11. WITHDRAWAL AND REPLACEMENT OF ATHLETES.....	12
Withdrawal of Athletes.....	12
Replacement of Athletes .....	12
12. INTERPRETATIONS.....	13
13. OTHER RELATED POLICIES AND DOCUMENTS.....	13
14. VERSION HISTORY .....	13

## 1. INTRODUCTION

Paddle Australia (PA) is the national governing body in Australia for the sport of paddling, as recognised by the International Canoe Federation (ICF).

The purpose of this Policy, including the relevant Selection Criteria Supplement, is to provide certainty and clarity to athletes seeking to be selected to PA Teams to attend ICF and other international competitions in all Disciplines by establishing transparent and consistent procedures and criteria.

PA's objective when selecting Teams include but are not necessarily limited to:

- a) identifying and including the best performing Athletes to represent Australia, maximising the likelihood of success at the international competitions attended and/or
- b) providing appropriate international competition opportunities for high performing, developing Athletes.

This Policy comes into effect on the date it is approved by the Board and will remain in force until amended, repealed or replaced.

This Policy governs the selection of Athletes to PA Teams and must be read in conjunction with the Selection Criteria Supplement applicable to each PA Team. The relevant Selection Criteria Supplement forms part of this Policy.

It is the Athlete's responsibility to read and understand this Policy, relevant Selection Criteria Supplement and any other associated policy or document and to seek advice where they are unclear or uncertain about the operation or effect of that policy, supplement or document.

This Policy and the various Selection Criteria Supplements are not applicable to the nomination of athletes to the Australian Olympic Team, except to the extent that participation in qualifying events for the Olympic Games may be restricted by each of these documents.

Any Athlete with any questions regarding the interpretation or operation of the Policy or a Selection Criteria Supplement should contact the PA CEO ([ceo@paddle.org.au](mailto:ceo@paddle.org.au)) or National Performance Director ([npd@paddle.org.au](mailto:npd@paddle.org.au)).

## 2. DEFINITIONS

- “Athlete”** means a person of either male or female gender who has made a nomination to PA in accordance with this Policy that he/she wishes to be considered for selection in a Team under this Policy or that has been selected in a Team.
- “Crew”** means, where an Event involves more than one person, the Athletes who compete together from time to time and who seek selection for a Team
- “Discipline”** means a branch of a sport (Canoe Sprint, Canoe Slalom etc)

<b>“Boat”</b>	means a type of watercraft, including whether it has one place for an Athlete (Canoe Single, SUP etc) or more than one place for an Athlete (Kayak Four, etc)
<b>“Event”</b>	means the Discipline, Boat, gender and additional information including distance and/or an age group (Junior Men’s Kayak Double 500m, Under 23 Women’s Kayak Single, etc)
<b>“Competition”</b>	means a program of one or more Events contested at a venue. The Competition runs from the start of the first Event to the completion of the last Event, excluding the Opening and Closing Ceremonies.
<b>“Board”</b>	means the Board of PA
<b>“CEO”</b>	means the Chief Executive Officer of PA
<b>“COO”</b>	means the Chief Operating Officer of PA
<b>“NPD”</b>	means the National Performance Director of PA
<b>“Olympic/Paralympic Disciplines”</b>	means the Disciplines chosen by the International Olympic and Paralympic Committees from time to time for inclusion on the program of the Summer Olympic and Paralympic Games, being Canoe Slalom, Canoe Sprint and Paracanoe at the time of publication of this Policy.
<b>“Non-Olympic Disciplines”</b>	means the disciplines that are not the “Olympic/Paralympic Disciplines”.
<b>"Selection Criteria Supplement"</b>	means the document that containing the specific criteria for the selection of a Team
<b>“Selection Panel(s)”</b>	means the panels of persons determined under clause 4 and who act on behalf of PA to select Athletes in relevant Teams in accordance with this Policy
<b>“Selection Competition(s)”</b>	means a national or international Competition(s) the results of which are used when making selection decisions
<b>“Team”</b>	means the Athletes selected to attend an ICF or other International Competition.

### 3. CHANGES TO THIS POLICY

- 3.1. The Board of PA may amend or repeal this Policy from time to time, provided that it shall give as much notice of such change as is reasonably possible to all affected Athletes and others as determined by the Board.
- 3.2. The Selection Criteria Supplement may be amended or repealed by PA at any time for any one or more of the following reasons:
  - (i) any change in ICF eligibility criteria, program of events or rules;
  - (ii) any change in the rules governing a particular competition or event;
  - (iii) to give effect to the Criteria following discovery of a drafting error or oversight;
  - (iv) to clarify any ambiguity or otherwise give effect to the intended meaning of the Criteria Supplement; or
  - (v) any other reason determined by PA in its absolute discretion to be in the best interest of PA.
- 3.3. The CEO, or his/her authorised representative, will take reasonable steps to give written notice to Athletes affected by any amendments and/or supplements to this Policy. It is the responsibility of each Athlete to keep his/her contact details up to date in their member record in the PA Membership and Events Portal and to keep PA notified of any change to that information (including where the Athlete is away from home for any purpose such as competition or training).

### 4. APPOINTMENT OF THE SELECTION PANELS

- 4.1. A Selection Panel, responsible to the CEO, will be appointed for each Team to be selected. Each Selection Panel and the Chair of each Selection Panel, shall be appointed as follows:
  - 4.1.1. for Teams in the Olympic/Paralympic Disciplines, by the Board after considering recommendations from the relevant Discipline Technical Committee and the NPD
  - 4.1.2. for Teams in the non-Olympic Disciplines, by the CEO after considering recommendations from the relevant Discipline Technical Committee.
- 4.2. Each Selection Panel will comprise not less than three and no more than five persons that may (but need not) include the NPD and/or the national coach of the relevant Discipline. PA will use its best endeavours to ensure the Selection Panel is appointed a minimum of six (6) months prior to the first specified Selection Competition. The Selection Panel will be listed in the Selection Criteria Supplement.
- 4.3. In making recommendations and appointing a Selection Panel, consideration will be given to:
  - 4.3.1. the Selection Panel having one or more members with experience in the Discipline at an elite level but that are no longer competing at that level;
  - 4.3.2. members of the Selection Panel who understand and appreciate the culture of the sport;
  - 4.3.3. ensuring that at least one member of the Selection Panel has played a role in the drafting the relevant Selection Criteria Supplement;
  - 4.3.4. previous national or international experience or involvement in PA competitions;

- 4.3.5. members of the Selection Panel who are suitable and qualified to fill the required positions;
  - 4.3.6. gender equity on the Selection Panel; and
  - 4.3.7. members of the Selection Panel who will work efficiently, cooperatively and harmoniously with PA officials and the CEO, COO and the NPD in particular.
- 4.4. The Board, in the case of an Olympic/Paralympic Discipline, or the CEO in the case of a Non-Olympic Discipline, may terminate the appointment of a Selection Panel member(s) or appoint an additional member(s) where one or more members of the Selection Panel:
- 4.4.1. advises the CEO that they consider that they are unable to meet their responsibilities under this Policy; or
  - 4.4.2. has a clear and on-going conflict of interest that cannot be addressed under clause 4.5 below; or
  - 4.4.3. repeatedly fails to fulfil their responsibilities under this Policy.
- 4.5. Members of each Selection Panel must declare any conflict of interest prior to any selection meeting/decision. Any conflict of interest that arises will be managed in accordance with the PA Conflict of Interest Policy.
- 4.6. The CEO may direct any member of any Selection Panel to stand down from a Selection Panel for such period as the CEO considers appropriate where the CEO determines, in his/her sole discretion, that the Selection Panel member has an association with an Athlete that may give rise to a question of bias or conflict of interest in the selection process.
- 4.7. The CEO and/or NPD, or their authorised representative, will work with each Selection Panel to provide advice and to ensure compliance with this Policy and other relevant PA rules and policies.
- 4.8. Subject to this Policy, including the Selection Criteria Supplement, the Selection Panel has absolute discretion to determine whether an Athlete is selected in a Team.

## **5. DEVELOPMENT AND APPROVAL OF SELECTION CRITERIA SUPPLEMENT**

- 5.1. A Selection Criteria Supplement will be developed for each Team. The draft Selection Criteria Supplement will be developed by:
- 5.1.1. for Teams in the Olympic/Paralympic Disciplines, the NPD, or his/her authorised representative, in conjunction with members of the relevant Selection Panel; or
  - 5.1.2. for Teams in the non-Olympic Disciplines, the CEO, or their authorised representative, in conjunction with the relevant Discipline Technical Committee
- 5.2. Input will be sought on each draft Selection Criteria Supplement. All comments should be made in writing via email. Where the Selection Criteria Supplement relates to the selection of:
- 5.2.1. Non-age group Teams in the Olympic/Paralympic Disciplines, the NPD will conduct external consultation with a group of representatives from the relevant Discipline. The representative group will include a member of the Discipline Technical Committee, senior athletes, including representatives from the Athlete's Commission (if applicable) and national coaches (if applicable).

- 5.2.2. Non-age group Teams in all other Disciplines, the Selection Criteria Supplement will be posted on the PA website for comment for a minimum period of 2 weeks. Notification may be sent to key stakeholders, determined at the absolute discretion of PA. All comments should be made in writing via email to the COO.
- 5.3. Following the consultation in 5.2 above, Selection Criteria Supplement finalised and approved for publication by:
  - 5.3.1. Teams in the Olympic/Paralympic Disciplines, the Board at the recommendation of the NPD
  - 5.3.2. Non-age group Teams in the Olympic/Paralympic Disciplines and Teams in all other Disciplines, the CEO
- 5.4. PA will use its best endeavours to ensure the Selection Criteria Supplement is in place a minimum of three (3) months prior to the first specified Selection Competition.
- 5.5. Once approved, the Selection Criteria Supplement may be amended by PA from time to time in accordance with clause 3.1.

## 6. ELIGIBILITY

- 6.1. To be eligible for consideration for selection under this Policy, the CEO must be satisfied that, at the time of selection to a Team(s), the Athlete:
  - 6.1.1. meets or will meet the ICF's eligibility requirements (if any); and
  - 6.1.2. is an Australian citizen or holds an Australian permanent residency visa; and
  - 6.1.3. where the Athlete holds an Australian permanent residency visa, he/she has been Domiciled in Australia for a minimum of 1 year; and
  - 6.1.4. is a financial individual member of PA; and
  - 6.1.5. does not have any outstanding accounts with PA that are more than 30-days in arrears; and
  - 6.1.6. completes any specific eligibility requirements outlined within the relevant Selection Criteria Supplement

The CEO or NPD may at their sole discretion confirm an Athlete's eligibility, depending upon the circumstances as considered on a case-by-case basis.
- 6.2. If an Athlete is selected to a Team under this Policy, the Athlete acknowledges and agrees that:
  - 6.2.1. the PA Team Member policy and/or Athlete Agreement immediately comes into full force and effect in respect of that Athlete; and
  - 6.2.2. s/he must comply with all PA policies; and
  - 6.2.3. s/he must maintain a designated level of fitness determined by PA, and standard of competitiveness prior to the relevant event for which s/he has been selected; and
  - 6.2.4. s/he is subject to drug testing by the Australian Sports Anti-Doping Agency (**ASADA**), ICF, or other applicable body and must comply with the Anti-Doping by-laws or policies of PA's, the Australian Olympic Committee's, Paralympics Australia and ICF; and
  - 6.2.5. s/he will comply with all requests from PA and with his/her obligations set out in the PA Anti-Doping Policy to provide accurate whereabouts information to ASADA and ICF, using an Athlete Contact Information Form.

- 6.3. Failure to comply with any part of clauses 6.1 or 6.2 may result in the Athlete failing to be eligible for selection or being withdrawn from the Team once selected.

## **7. NOMINATION AND SELECTION**

- 7.1. Athletes wishing to nominate for selection to a Team must comply with the procedure set out in the Selection Criteria Supplement, including meeting all relevant dates and requirements.
- 7.2. The Selection Panel shall apply the Selection Criteria Supplement when determining the Athletes for selection to any Team.
- 7.3. All other matters concerning selection are governed by this Policy, including the composition of the Selection Panel, eligibility of Athletes, notification of selected Athletes, appeals and withdrawal and replacement of selected Athletes.

## **8. ANNOUNCEMENTS**

- 8.1. Athletes selected by a Selection Panel for a Team shall be announced in accordance with the procedure set out below.
- 8.1.1. The Chair of the Selection Panel will submit a list of the Athletes selected to the Team to the CEO, confirming that in selecting the Team the Selection Panel has followed the Selection Procedures Policy and Selection Criteria Supplement. The CEO will provide a copy of the list of the Athletes selected Team to the Board.
- 8.1.2. When the CEO considers that a decision has been made that is not in accordance with either the Selection Procedures Policy and/or Selection Criteria Supplement, he/she will seek a decision from the Board regarding the issue.
- 8.1.3. PA may announce a provisional team subject to appeal at the conclusion of the final Selection Competition.
- 8.1.4. Selected Athletes will be notified directly by PA in writing on an individual basis. Eligible, nominated, non-selected Athletes will receive written notification of their non-selection.
- 8.1.5. Subject to PA receiving no appeals under clause 9.3.1, after all selected Athletes have been notified, an announcement of the Team will be made via the PA website and media release.
- 8.1.6. Where PA receives one or more appeals under clause 9.3.1, PA may at its absolute discretion determine whether to announce one or more members of the Team not subject to the appeal, or to announce that one or more selections to the Team are under appeal, with the successful Athletes announced after completion of the appeal.
- 8.1.7. All enquiries regarding selection or non-selection of Athletes will be directed to:
- (i) for Teams in the Olympic/Paralympic Disciplines, the NPD
  - (ii) for Teams in the non-Olympic Disciplines the COO



## 9. APPEALING DECISIONS

- 9.1. A non-selected Athlete is entitled to appeal to the Appeals Tribunal convened by the PA (Appeals Tribunal) in accordance with the process set out in clause 9.3. Appeals against non-selection will be determined in accordance with the process detailed in this Policy.
- 9.2. An appeal to the Appeals Tribunal may only be made on the grounds set out in this clause. The sole grounds for appeal to the Appeals Tribunal are that:
  - 9.2.1. the applicable Selection Criteria Supplement has not been properly followed and/or implemented; or
  - 9.2.2. the selection decision was affected by actual bias; or
  - 9.2.3. there was no material on which the selection decision could reasonably be based.
- 9.3. Any appeal must accord with the following procedure:
  - 9.3.1. the Athlete must give written notice of his/her appeal to the CEO within 48 hours of receiving written notice of the decision against which the appeal is made;
  - 9.3.2. within 5 working days of submitting their written notice of appeal, the Athlete must submit to the CEO the grounds of appeal accompanied by a non-refundable deposit of \$500 payable to PA;
  - 9.3.3. the Appeals Tribunal will consist of the following persons appointed by PA's Board:
    - (i) a barrister or solicitor who will act as Chair;
    - (ii) a person with a thorough knowledge of the relevant Discipline of canoeing and who preferably has had recent international competition experience in the relevant Discipline of canoeing; and
    - (iii) one other person of experience and skills suitable to the function of the Appeals Tribunal,all of whom will constitute a quorum for the purpose of hearing and determining any appeal.
  - 9.3.4. No person is eligible to be appointed to the Appeals Tribunal if s/he is a member of PA's Board, a Selection Panel or by reason of his or her (perceived or actual) conflict of interest (as determined by PA's Board) with:
    - (i) the appealing Athlete;
    - (ii) any member of the Board;
    - (iii) the Selection Panel;
    - (iv) any persons whose interest may be affected by the outcome of the appeal,or the person would be reasonably considered to be other than impartial.
  - 9.3.5. Should an Athlete or other party to the appeal challenge the impartiality of any member of the Appeals Tribunal, the challenge will be determined by the Chair sitting alone.

- 9.3.6. The Appeals Tribunal will convene a hearing within 10 working days of the submission of the grounds of appeal. The hearing may occur in such manner as the Chair decides, including telephone or video conferencing. Hearings are to be conducted with as little formality and technicality, and with as much expedition, as proper consideration of the matter before the Appeals Panel permits. The Appeals Panel is not bound by the rules of evidence (and may inform itself as to any matter in such manner as it thinks fit) but must observe the principles of procedural fairness.
- 9.3.7. In any hearing before the Appeals Tribunal:
- (i) the Appeals Tribunal must observe the principles of natural justice;
  - (ii) the Appeals Tribunal is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;
  - (iii) the Athlete must establish one or more ground of appeal to the reasonable satisfaction of the Appeals Tribunal with full regard to the importance and gravity of the issue;
  - (iv) the parties will not be entitled to be represented by a barrister or solicitor save with the leave of the Appeals Tribunal, which leave will only be given in exceptional circumstances;
  - (v) if a question of law arises during the course of a hearing, the parties may seek an adjournment in order to obtain legal advice; and
  - (vi) the hearing will be conducted in a manner which allows proper consideration of the matter at hand.
- 9.3.8. A reasonable period prior to the hearing, as determined by the Selection Panel in its absolute discretion, the Selection Panel will provide the Appeals Tribunal and the Athlete with a written statement as to the reasons for the decision against which the appeal is made.
- 9.3.9. If the Appeals Tribunal is of the view that the outcome of the appeal may affect the interests of any person not a party to the dispute, it must, so far as is practicable, require that notice be given to such other person and will permit that person to appear at the hearing of the appeal and to make submissions.
- 9.3.10. In making its decision as to the outcome of an appeal under clause 9.3, the Appeals Panel may decide either:
- (i) to uphold the appeal as the Athlete successfully made out one of the grounds of appeal (set out in clause 9.2) in which case the matter of the Athlete's position in the Team will be considered in accordance with clause 9.3.13; or
  - (ii) that the selection decision be upheld, and the Athlete's appeal is dismissed.
- 9.3.11. The Appeals Tribunal will give its decision as soon as practicable after the hearing and will provide the CEO and the Athlete with a statement of the reasons for its decision.
- 9.3.12. Where the Appeals Tribunal upholds an appeal under clause 9.3.11, it will as a matter of usual practice refer the question of re-selection back to PA for determination in accordance with the applicable Selection Criteria Supplement. However, where it

determines to uphold any appeal against the non-selection of an athlete, it may itself conclusively determine the issue of re-selection only where:

- (i) both:
  - a) it would be impractical to refer the issue of re-selection back to PA given the time available in which entries to the competition must be submitted; and,
  - b) due to the decision of the Appeals Tribunal (for example on how the Selection Criteria Supplement is to be interpreted), there is no exercise of discretion involved in the re-selection decision and such decision is based solely on an assessment of objective criteria, or
- (ii) there has been such a disregard of the Selection Criteria Supplement by or on behalf of PA that a reasonable person could reasonably conclude that it is unlikely the Selection Criteria Supplement will be properly followed and/or implemented; and
- (iii) prior to making the determination in 9.3.12, it has advised the parties and all persons whose interests may be affected by the outcome of the appeal:
  - a) of the possibility of it making such a determination; and
  - b) that it may itself conclusively determine the issue of re-selection, permitting the parties and all such persons the opportunity to make submissions and give evidence in respect thereof.

9.3.13. The decision of the Appeals Tribunal will be final and binding on the parties.

## 10. REQUIREMENTS AFTER SELECTION

Following an Athlete's selection to a Team, they must adhere to the following requirements to accept and maintain their position in the Team:

- 10.1. Accept their position in the Team by written notification to PA within 5 days of the Team confirmation.
- 10.2. Agree to abide by the PA Code of Conduct and sign the relevant Athlete Agreement and Team Agreement.
- 10.3. Maintain appropriate medical health and absence of injury or illness that allows them to perform at the satisfactory level in line with this Policy. All team members must immediately inform the team management of any illness or injury that could reasonably impact on the Athlete's ability to perform at the level expected of the Athlete.
- 10.4. Maintain performance standards in line with this Policy.
- 10.5. Meet and maintain minimum standards of behaviour for team members while assembled, travelling or training as part of the team. Any team member who does not meet that minimum standard of behaviour in the assessment of the team manager will be dismissed from the team.
- 10.6. An athlete may be required to undergo an independent medical and/or performance assessment. A performance assessment may be requested at the absolute discretion of team management, in consultation with the selection panel, and may be a designated race/competition or simulated performance trial, scheduled in agreement with team management.

## 11. WITHDRAWAL AND REPLACEMENT OF ATHLETES

### WITHDRAWAL OF ATHLETES

- 11.1. An Athlete who is selected under this Policy may be withdrawn from the Team if s/he:
- (i) breaches or fails to comply with this Policy;
  - (ii) breaches or fails to fulfil a requirement of the PA Anti-Doping Policy;
  - (iii) breaches or fails to comply with the PA Team Member Policy;
  - (iv) breaches or fails to comply with the PA Member Protection Policy;
  - (v) brings or is likely to bring PA the sport of canoeing or his/herself into disrepute;
  - (vi) fails to maintain one or more of the requirements set out in clause 10 of this Policy
  - (vii) has an illness or injury which in the relevant Selection Panel's opinion prevents the Athlete from meeting the overall requirements for selection as set out in the applicable Selection Criteria Supplement; or
  - (viii) subject to clause 11.4, is a member of a Crew where one member withdraws.
- 11.2. Any selected Athlete may be withdrawn from the Team by PA if any of the grounds in clause 11.1 occur. PA shall notify the Athlete in writing of the alleged breach or grounds upon which it is proposed that s/he be withdrawn from the Team. The Athlete shall be given a reasonable opportunity (not being less than seven days) to provide reasons why s/he should not be withdrawn (Reasons). PA may suspend an Athlete's entitlement to be a member of a Team while considering his/her Reasons.
- 11.3. A selected Athlete may withdraw his/her selection by giving notice in writing
- (i) for Teams in the Olympic/Paralympic Disciplines, to the NPD;
  - (ii) for Team in the non-Olympic Disciplines, to the CEO
- 11.4. If a selected Athlete or Crew is withdrawn from selection, the Selection Panel may consider selecting another Athlete or Crew to replace the withdrawn Athlete or Crew.

### REPLACEMENT OF ATHLETES

- 11.5. Where an Athlete/Crew has been selected to the Team and subsequently withdraws from or is unable to take part in a competition due to injury or illness, the Selection Panel may select a replacement.
- 11.6. In exercising their discretion, the Selection Panel may consider any factor, or combination of factors that is, in the opinion of the Selection Panel, relevant for consideration when selecting a replacement. Without in any way limiting the discretion of the Selection Panel as set out in this clause, the Selection Panel may consider the following:
- (i) relevant criteria within the Selection Criteria Supplement that relates to selection of reserve Athletes
  - (ii) performances in Selection Competitions

- (iii) performances in the previous World Championships and/or World Cup events;
- (iv) overall consistency of performance at an international level;
- (v) individual strengths that may contribute to the performance of the Team as a whole;
- (vi) willingness and ability to fill and/or complete a role that may enhance Australia's medal potential; or
- (vii) the benefit of exposure to international racing to any Athlete who, in the opinion of the Selection Panel, has the potential to represent Australia in the future.

## 12. INTERPRETATIONS

Unless the context otherwise requires, the terms used in this policy and the Selection Criteria Supplement shall have the same meaning as in PA's Constitution.

No particular part of this policy or the Selection Criteria Supplement shall be weighed more or less significantly by reason only of the order in which that section appears in the relevant document.

## 13. OTHER RELATED POLICIES AND DOCUMENTS

This policy is to be read in conjunction with the following PA documents:

- Anti-Doping Policy
- Athlete Agreement
- Code of Conduct
- Disciplinary Bylaw
- Medical & Medication Policy
- Member Protection Bylaw
- Supplement Policy
- Team Members Bylaw

## 14. VERSION HISTORY

**Adopted by the Board of AC on the 13 November 2001 (Version A)**

**Amended by the Board on 1 November 2002 (Version B)**

**Amended by the Board on 19 October 2003 (Version C)**

**Amended by the Board on the 25 November 2004 (Version D)**

**Amended by the Board on the 16 December 2009 (Version E)**

**Amended by the Board on the 11 August 2010 (Version F)**

**Amended by the Board on the 25 October 2016 (Version G)**

**Amended by the Board on the 17 February 2018 (Version H)**

**Amended by the Board on the 18 September 2019 (Version I)**