

Case number: NST-E26-656

Case Title: Athlete v AusCycling

Determination

National Sports Tribunal General Division

sitting in the following composition:

NST Member:

Professor Jack Anderson

in the arbitration between

Athlete

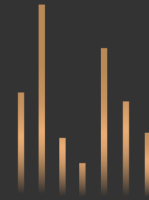
Appellant

And

AusCycling

Respondent

Represented by Marne Fechner, Chief Executive Officer



PARTIES

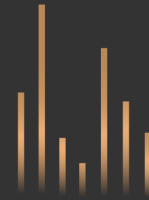
1. The Appellant is an Athlete who seeks to represent Australia at the 2026 UCI BMX Racing World Championships (the **UCI Championships**).
2. The Respondent, AusCycling (the **Respondent**), is the National Sporting Organisation for the sport of cycling in Australia.

INTRODUCTION AND NST JURISDICTION

3. The selection of athletes for the UCI Championships is governed by the AusCycling Selection Policy for UCI World Championships-Olympic and Paralympic Sports of December 2025 (the **Selection Policy**), the AusCycling Discipline Specific Selection Criterion 2026 UCI BMX Racing World Championships of March 2026 (the **DSSC**) and the AusCycling Selection Appeals Policy for the UCI World Championships of February 2025 (the **Appeals Policy**).
4. The Appellant, as a Non-Selected Athlete, is appealing their non-selection as per clause 8 of the Selection Policy and with specific reference to clause 4.1 of the Appeals Policy. The Appellant seeks to have the matter heard in accordance with the procedures set out in clause 5 of the Appeals Policy.
5. The Appeals Policy gives jurisdiction to the NST to hear this matter in its General Division as a First Instance Selection Appeal (clause 5.2 of the Appeals Policy) and the NST's jurisdiction is otherwise asserted by way of section 23(1)(b)(i) of the *National Sports Tribunal Act 2019* (**NST Act**).
6. The requirements of clause 5.1 of the Appeals Policy (Steps prior to Selection Appeal) and those of clauses 5.2.3 to 5.2.5 (Making an Application for a Selection Appeal) were satisfied and the Appellant applied to the NST to have the matter heard by way of an Application dated 26 June 2026. As requested in that Application, the matter was heard on an expedited basis as per clause 5.4 of the Appeals Policy.
7. In their Application, and in submissions thereafter, the Appellant stated that they sought to challenge their non-selection for the UCI Championships on two grounds pursuant to clause 5.2.2 of the Appeals Policy and namely subsection (a) that the Selection Policy was not properly applied by the Respondent and (c) the Respondent was affected by actual bias in making its decision to not select the Appellant.
8. Under the Appeals Policy, the NST Member may (as per clause 5.2.9) uphold or dismiss the Appeal; remit it (as per clause 5.2.10); or, in certain prescribed circumstances, may itself determine the issue of the Appellant's selection.

PROCEEDINGS BEFORE THE NST

9. On receiving the Application, the NST issued directions to the Parties with which they have complied and for which the NST Member is grateful.
10. On 29 June 2026, the NST CEO pursuant to Rule 5(4) of the *National Sports Tribunal Rule 2020* directed the Parties to file and serve submissions and evidence by way of the following procedural timetable:



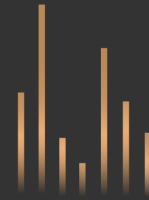
1. By 11:59pm AEST on Monday, 29 June 2026, the Applicant is to file with the NST Registry and serve on AusCycling their written submissions, together with any witness statements, evidence, and all other documents on which they intend to rely on (**Appellant's Submissions**);
 2. By 4:00pm AEST on Tuesday, 30 June 2026, AusCycling is to file with the NST Registry and serve on the Applicant its written submissions, together with any witness statements, evidence, and all other documents on which it intends to rely on (**Respondent's Reply**);
 3. By 10:00am AEST on Wednesday, 1 July 2026, the Applicant is to file with the NST Registry and serve on AusCycling any written submissions, together with any witness statements, evidence, and all other documents on which they intend to rely on in reply (**Appellant's Response**); and
 4. A hearing (if necessary) is to be convened at 3:30pm – 5:30pm AEST on Wednesday, 1 July 2026 (**Oral Hearing**).
11. On 1 July 2026, and in accordance with section 52 of the *National Sports Tribunal (Practice and Procedure) Determination 2024*, and clause 5.2.6(b) of the Appeals Policy, the NST Member decided that it would determine the Appeal without a hearing. Accordingly, the oral hearing for that day was vacated. The Respondent asked to submit one final, clarifying submission by 2pm that day and the NST Member granted that request (**Respondent's Second Reply**), permitting the Appellant until 10am the following day (2 July) to respond (**Appellant's Second Response**).
12. On 2 July 2026 the NST Member, as required by clause 5.2.6(c) of the Appeals Policy, gave the Parties notice of its operative Determination (Written Notice) that the Appeal had been dismissed. This reasoned Determination (Statement of Reasons) comprises the full and final award.
13. While the NST Member has considered all the facts, allegations, legal arguments and evidence submitted by the Parties it refers in its Determination only to the submissions and evidence it considers necessary to explain its reasoning. It must also be noted that this Determination took place by way of an expedited process pursuant to clause 5.4 of the Appeals Policy.

PARTIES' SUBMISSIONS

14. Quotations and references noted herein are taken directly from the Parties' Submissions.

Appellant's Submissions

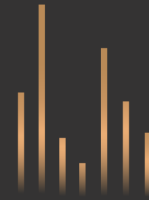
15. The Appellant's principal submission was to challenge the Respondent's decision not to select them in the available U23 quota position for the UCI Championships despite four counter factors:
- a. "[The Appellant] meeting the published performance standards during the selection period." The Appellant also noted that they had met the published performance standards in the previous World Championship selection cycle but "was not selected then either – The significance of this should not be discounted.";



- b. the available quota position for the UCI Championships “*remained unfilled*”;
 - c. the Appellant demonstrated favourable strengths and performance – throughout the performance period, the Appellant contended that they “*recorded consistently the second fastest gate hill times nationally and comparable race results to other selected riders*”; and
 - d. lack of due consideration of injury circumstances, adversely and significantly affecting their ability to demonstrate international form during the selection assessment period.
16. The Appellant supported the above four points with further evidence and submissions and contrasted this with the reasons given to him by the Respondent as to their non-selection, which they listed as follows:
- a. the Respondent said lack of international results was a significant concern; in contrast the Appellant argued that selected riders were similarly lacking international benchmark performances;
 - b. the Respondent said they discounted the Appellant’s qualifying result because of field strength considerations; in contrast the Appellant alleged “*equivalent scrutiny was not applied to selected athletes’ qualifying performances*”; and
 - c. the Respondent recognised the Appellant’s exceptional gate speed but concluded it did not translate into results, in contrast the Appellant alleged “*other athletes were assessed on projected potential rather than objective results and received the benefit of discretionary judgement that [they the Appellant] did not.*”
17. The last sentence above is fundamental to the basis of the Appellant’s submissions which is that while acknowledging and not challenging the fact that under the Selection Policy the Selection Panel had “*substantial discretion*”, that the “*more compelling question underpinning both grounds of Appeal*” (improper application and bias) was “*whether the discretion was applied consistently across all athletes.*” Logically, it followed that the essence of the Appellant’s submission was that the Selection Panel had neither used nor applied the discretion granted to it under the Selection Policy consistently and that that inconsistency had resulted in detriment (by way of improper application) to, and prejudice (by way of bias) against, the Appellant resulting in their non-selection.

Respondent’s Reply

18. The Reply was supported by reference to the data (performance etc) that the Selection Panel relied upon, a full transcript and video of the relevant meeting and a statutory declaration (of 30 June 2026) by Mr Eric Haakonssen, Head Coach of AusCycling Acceleration & Action, overseeing the BMX Race, BMX Freestyle and Track Sprint programs including the design and implementation of the selection policies, who was also a voting member of the Selection Panel.
19. The Respondent’s Reply was comprehensive, comprising of a detailed reply in which point by point the Respondent replied to each of the four factors central to the Appellant’s submissions (and the Appeal as a whole). The Respondent’s Reply was, in summary, that although the Appellant crossed the performance threshold for consideration for selection, the Respondent had, in proper exercise of their absolute discretion and in line with the objectives of the



Selection Policy (and taking into account the DSSC), ultimately determined that the Appellant would not be put forward for selection and a quota place for the UCI Championships would be left unfilled.

20. Crucial to the Selection Panel's approach was their consideration of the objectives of the Selection Panel outlined in clause 1 of the Selection Policy (cited in full below):

"OBJECTIVES [U23 AND ELITE]

The respective National Selection Panel (Panel) for each Under 23 and Elite discipline will select athletes who they consider in their absolute discretion will have the best chance of meeting one or more of the following objectives, with the Panel having absolute discretion as to the weighting given to the three objectives:

1.1 athletes capable of achieving medal winning results at UCI World Championships in Olympic or Paralympic events; and/or

1.2 combinations of athletes capable of achieving medal winning results at UCI World Championships; and/or

1.3 athletes considered to be on an elite medal trajectory at World Championship, Commonwealth Games, Olympic or Paralympic events in the next 4-6 years.

For the avoidance of doubt, the fact that an athlete meets multiple of the abovementioned objectives will not necessarily mean they will be preferred over athletes who meet only one of the above objectives."

21. The Respondent also noted that the Selection Policy as a whole must be read in light of clause 1's three objectives; the absolute discretion clause 1 expressly gave to the Selection Panel; and the "avoidance of doubt" caveat at the end of clause 1 relating to athletes who might meet multiple vs only one of the objectives. One might call this clause 1's "triple lock" and it can be seen to good effect in another crucial (and one relevant to this Appeal) clause in the Selection Policy, clause 3.3 on General Performance Selection Criteria (cited in full below):

"Clause 3.3 on General Performance Selection Criteria

Performance criteria that may be considered by the Panel in athlete selection include:

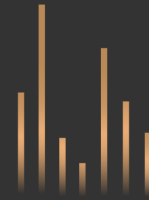
3.3.1 Podium performance history at relevant international benchmark competitions (UCI World Championships, Olympics, Paralympics).

3.3.2 Athlete's performance trajectory relative to podium athlete trends.

3.3.3 If applicable, the National Discipline Coach/Technical Director's assessment of the athlete's ambition and demonstrated commitment to their performance plan and objectives.

3.3.4 If applicable, the athlete's potential to contribute to Olympic/Paralympic qualifying places leading into the next Olympic/ Paralympic Games.

3.3.5 The athlete's performance at trials and testing as directed by the National Discipline Coach/ Technical Director.



3.3.6 *The athlete's technical and tactical execution in training and competition*

3.3.7 *If applicable, the athlete's consistency in training and performance against agreed objectives and/or benchmarks.*

3.3.8 *The athlete's conduct and behaviours on and off the bike, including their attitude and commitment to attendance and their demonstration of AusCycling's values by collaborating respectfully (Stronger Together), competing with integrity (Win Well), prioritising wellbeing and diversity (People-First), and showing pride, resilience, and accountability (Be Bold) : their conduct consistently reflects professionalism and brings credit to themselves, teammates, and AusCycling.*

3.3.9 *Priorities of cycling events as set out in the AC Performance Pillar Strategic Plan.*

These criteria are not listed in any order of priority or importance and the Panel may ascribe to each criterion such weight, if any, as they in their absolute discretion determine. The purpose of the General Performance Selection Criteria is to assist the Panel in reaching a view about which athletes have the best chance of meeting one or more of the Objectives in clause 1 or 2 of this Policy (as applicable). The Panel is not obliged to consider all or any of the General Performance Selection Criteria and may choose to do so in relation to their consideration of some athletes, no athletes or all athletes."

22. The approach taken by the Respondent's Selection Panel in applying the Selection Policy to the Appellant's case for selection was summarised at paragraph 19(e) and (f) of the statutory declaration by Eric Haakonssen (cited in full below):

"e. In relation to the [Appellant], it was noted that:

i. The [Appellant] met the performance standards with a 3rd at a National Series Round, with supporting context around depth of field at that event discussed.

ii. The [Appellant] has a fast gate speed, however this doesn't translate into track speed or results.

iii. The [Appellant] often has approx. 14th or 15th fastest lap times.

iv. The [Appellant] was ranked 7th overall by the Head Coach when discussing and comparing riders in contention for selection.

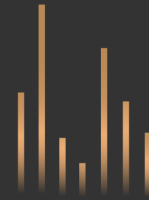
f. In relation to the [Appellant] being compared to other athletes, it was noted that:

i. The [Appellant] is a final year U23 while other athletes with similar or arguably better performances are first year U23.

ii. The Olympic cycle that athletes considered for selection under objective 1.3 was the Brisbane 2032 cycle."

Appellant's Response

23. In the Appellant's Response, the Appellant made three further points of emphasis:



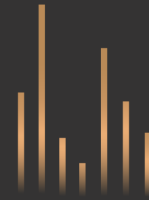
- a. the Appellant reiterated that their appeal was not based upon a disagreement with the Selection Panel's discretion, rather it concerned the inconsistent application of selection criteria, as based on subjective assumptions, and selective, inconsistent assessment and comparison of data, performances, circumstances and criteria across athletes ("*selective comparison*");
- b. moreover, the Appellant argued that the Selection Panel had considered a number of factors – including age, employment, institutional support and international results – which were not strictly contained in or relevant to the Selection Policy ("*irrelevant factors*"); and
- c. that the Selection Panel appeared to demonstrate bias against the Appellant given that "Previous institutional support [given to some athletes but not others] appears to have been treated as a positive factor despite not being contained within the Selection Policy" ("*institutional bias*").

Respondent's Second Reply

24. Here the Respondent addressed the point raised by the Appellant in paragraph 23(c) above i.e., linking previous institutional support to bias on the part of the Selection Panel. The Respondent stated that the Selection Panel had noted that the Appellant had not had previous institutional support but not in a negative way rather to duly acknowledge that the Appellant had achieved what they had achieved by themselves, to recognise that fact and "*to ensure [the Selection Panel] considered the fact that [the Appellant] did not have the same level of support and not to bias towards athletes who were categorised [as having received institutional support].*"
25. Here the Respondent also addressed the points raised by the Appellant in paragraph 23(b) i.e., the irrelevant factors. The Respondent's point here was that the factors were not irrelevant within the context of the application and consideration of some of the selection criteria in clause 3.3 of the Selection Policy.
26. Again, the Respondent noted that their assessment of the Appellant both generally in terms of the Selection Policy and specifically with regard to the Appellant and the athletes who were selected, was consistent and in line with the Selection Policy. The Respondent again reiterated that while the Appellant met many of the criteria required, ultimately and exercising the triple lock inherent in clause 1 of the Selection Policy, they were not selected because they did not meet objective 1.3 of that clause in the Selection Policy with regard to future performance potential.

Appellant's Second Reply

27. Here the Appellant made two final points. First, that their Appeal concerned selection for the UCI Championships in 2026 and not "*an exercise in forecasting Brisbane 2032, identifying potential future medal prospects several years from now, or assessing which athletes may ultimately possess the highest long-term ceiling. While future potential may be a large factor the Selection Panel is entitled to consider, it cannot displace the primary purpose of the Selection Policy, which is to select the team for the 2026 World Championships.*" The argument here was straightforward: the reliance on one selection factor to the extent that it overshadowed all



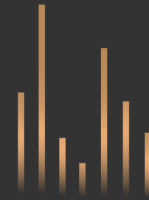
others, was unfair upon the Appellant and indicated that the Selection Policy had not been properly complied with.

28. The second point was that, although the Appellant did not argue that meeting the performance standard created an automatic entitlement to selection, where, in circumstances such as this, an athlete (the Appellant) did meet the standard but another did not, *“it is reasonable to expect that distinction to form a meaningful part of the Panel’s assessment as compared to another.”* Here, the Appellant noted that meaningful recognition of performance standards appeared not to have occurred.

MERITS

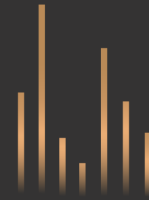
29. On the first ground of appeal (clause 5.2.2 (a) of the Appeals Policy, that the Selection Policy was not properly applied by the Respondent), there were, it appears, two general strands. The first was that the discretion which the Selection Panel had under the Selection Policy, which as per clause 1 of that Selection Policy was “*absolute*” in nature, was not reasonably applied by the Respondent’s Selection Panel to the extent that the Selection Policy could not be said to have been properly applied.
30. Whether a discretion has been reasonably exercised in the context of a selection dispute has been deliberated upon recently by the NST in a number of decisions e.g., *Timothy Heyes v Australian Athletics* (NST-E26-646, 18 June 2026). The Heyes determination shares much with this matter. In *Heyes*, the Appellant submitted that the disputed Selection Policy was not properly applied, arguing that the Selection Panel failed to give adequate weight to their recent performances and comparative results, and placed undue emphasis on their anticipated future development relative to other athletes.
31. In *Heyes*, the test adopted by the Panel (and the one applied here) was drawn from the following:
- a. *Appellant v Water Polo Australia* (NST-E24-189691, 21 May 2024) at paragraph [57] where the NST Member said that “absolute” discretion is to be informed by the objectives and aims of the nomination/selection policies, as well as the factors to which the Selection Panel may have regard as articulated in such policies, and that its discretion must be exercised in good faith, in accordance with the terms of the selection policy, and in a manner that is not unreasonable, arbitrary or capricious.
 - b. *Juliet Lahood v Australian Taekwondo* (NST-E24-96019, 24 March 2024) at paragraph [39] where the NST Member stated that “reasonableness”

“...must be interpreted in its administrative law context i.e., Wednesbury unreasonableness (Associated Provincial Picture Houses Ltd v Wednesbury Corporation [1947] EWCA Civ 1; [1948] 1 AC 223; [1948] 1 KB 223, esp. at 229-230). Wednesbury is an established feature of Australian administrative law, and it imposes a high threshold of review, see generally Re Minister for Immigration and Multicultural Affairs; Ex parte Applicant S20/2002 [2003] HCA 30. Divergence of opinion in the decision-making body does not mean that their decision in unreasonable...It must be shown that the decision-maker acted in a manner that



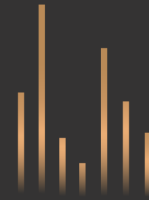
was irrational, illogical, and not based upon findings or inferences of fact supported by logical grounds.”

- c. *Sarah Cardwell v Squash Australia Ltd* (NST-E22-122770, 13 May 2022) at paragraph [51] where the NST Member, citing *Minister for Immigration v SZMDS* (2010) 240 CLR 611 (per Crennan and Bell JJ (at [131])), noted that in *SZMDS* the High Court said that a “*decision cannot be said by a reviewing court to be illogical or irrational or unreasonable, simply because one conclusion has been preferred to another possible conclusion.*”
32. As stated in *Heyes*, all of the above leaves an athlete with a high bar to jump to successfully challenge a selection decision in the context of a matter where a Selection Panel (as here via the triple lock in clause 1 of the Selection Policy) has a broad discretion. That is not to say that such a height can never be cleared by an athlete and as stated in *Applicant v Gymnastics Australia* (NST-E25-191272, 15 May 2025) at paragraph [47]:
- “...it does not mean that the Selection Panel can apply that discretion in an arbitrary or capricious way, for example by deciding not to consider any of the factors identified in the selection process. Instead, the Selection Panel must act reasonably and objectively fairly in exercising the discretion and certainly must take into account all relevant matter. To adopt the language of the High Court in the celebrated case of House v The King (1936) 55 CLR 499, at 505, what is required in exercising a discretion is to not act upon a wrong principle, not allow extraneous or irrelevant matters to guide or affect the decision maker, not to mistake the facts, and to take into account material considerations.”*
33. The above paragraphs provide the legal framework in which the merits of this matter have been considered.
34. Applying the above to the factual matrix and the submissions of the Parties, was the exercise of the Respondent’s Selection Panel in this instance unreasonable. No, it was not. It was properly exercised. Of important consideration here is (and in favourable contrast to what occurs with other National Sporting Organisations) the Respondent provided clear, transparent and evidence-based insight (in the form of transcripts, videos, performance data, stat decs etc) of the Selection Panel’s decision-making methodology. The various issues raised by the Appellant both with respect to factors pertaining to their performance (which they felt were underplayed) and factors made in comparison to others (which the Appellant felt were overplayed) were discussed and considered by the Selection Panel and done so in line with the Selection Policy. To borrow the language of *House v The King*, the Selection Panel did not act on a wrong principle, nor allow extraneous or irrelevant matters to guide or affect the decision maker, nor mistake the facts. The fact that the Appellant did not agree with the ultimate outcome is secondary as to whether the methodology by which that outcome was arrived at was in line with Policy and any discretion thereunder exercised reasonably.
35. The second element of the first ground of appeal is again similar to one canvassed in *Heyes*, that the Selection Panel placed undue emphasis on anticipated future development and not enough on the immediate UCI Championships. The first point to be made here is that the Respondent mention straightforwardly and expressly that future/potential performance was a key factor in their decision-making, and that they were clearly permitted to take that into account per clause 1.3 of the Selection Policy. The issue posed by the Appellant, as this NST



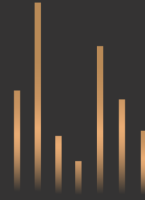
Member sees it, is not that the Respondent was not allowed to invoke clause 1.3, rather that clause 1.3 overshadowed all other considerations to the detriment and prejudice of the Appellant.

36. This argument is quite similar to that made recently in *Joshua Azzopardi v Australian Athletics* (NST-E26-640, 18 June 2026) i.e., that the Selection Panel had fallen into material error and not properly applied the Selection Policy because they had given undue and disproportionate weight to one factor within that Policy. In *Azzopardi*, the factor that was allegedly given undue weight was another athlete's historical results at previous championships; here it is the opposite, future potential. In their submissions, the Appellant further argued that any assessment of future performance (almost by definition) had to rely "*heavily on subjective assessments of age, future potential and long-term projections rather than selection for the [more immediate] 2026 World Championships.*"
37. In *Sarah Cardwell v Squash Australia Ltd* (NST-E22-122770, 13 May 2022) at paragraph [54] and citing legal authority, the NST Member acknowledged that where a decision-maker gives disproportionate weight to a factor that decision-maker could be deemed to be acting unreasonably in the legal (administrative law) sense of the term. In plainer language, where the consideration of one factor in a Policy can in its singularity be seen to overshadow any reasonable review of other factors in that Policy, and does so in a manner that prejudices the assessment of another athlete, such an approach can be considered both unreasonable in law and a failure to properly apply that Policy.
38. Here, the Respondent acknowledged that clause 1.3 of the Selection Policy was an important consideration in this matter but that they were entitled to (and had the absolute discretion) to predicate their selections on that clause and that, in any event, they had also properly and exhaustively considered a range of factors within clause 3.3 of the Selection Policy before referring to clause 1.3. This consideration was set out in detail specific to the Appellant at paragraph 19(e) and (f) of the statutory declaration (of 30 June 2026) by Mr Eric Haakonssen.
39. Overall, the evidence and submissions from the Respondent illustrated to this NST Member that they did in this instance act in a principled way, aligned to the aims and objectives of the Policy, and that in a structured way they had considered all relevant matters and not mistaken material facts. The NST Member acknowledges the sincere efforts by the Appellant to highlight how the assessment of certain selection criteria in the Policy supporting their non-selection might be seen as unreasonable as compared to the assessment of similar criteria in the Policy supporting the selection of others. However, a decision by a Selection Panel cannot be said on review to be illogical or irrational or unreasonable, simply because one conclusion has been preferred to another possible conclusion, or one factor has been given greater weight than another. Such an exercise of discretion is not unreasonable and was within the purview of this Selection Panel.
40. The Appellant has not proven to the relevant standard, and the NST Member is otherwise satisfied that the applicable Selection Policy was properly considered and applied.
41. There was a second ground of appeal (that of actual bias per clause 5.2.2 (c) of the Appeals Policy). During the course of submissions that appeal ground appeared to slip away somewhat. It was linked by the Appellant to a consideration of previous institutional support by the



Respondent (see paragraph 23 (c) above) but the NST Member accepts the Respondent's explanation of the contextual reference in the Selection Panel's deliberations to previous institutional support, the lack of which was meant to be acknowledged with favour towards the Appellant (see paragraph 24 above).

42. There is therefore little more that needs to be said on this ground, the test for which again sets a high bar for athletes e.g., *Lauren Ryan v Australian Athletics* (NST-E25-342730, 6 September 2025) at paragraphs 47-55.
43. It must be noted here that the test for actual bias is a legal one and as mentioned in the *Lauren Ryan* matter, actual bias is a forward-looking test i.e., that from the beginning, the person or Panel accused of actual bias has pre-judged the matter (be it because of some sort of conflict of interest etc) and that they had their mind made up from the off against the Appellant and their minds remained shut throughout to any persuasion in favour of the Appellant. A number of Appellants in selection disputes at the NST adopt a backward-looking approach to actual bias i.e., the Panel held against me therefore they must have been biased against me. That is not the correct approach.
44. Selection Panels have a difficult task – performance data must be carefully weighed and analysed, there are often time pressures and even budgetary concerns; unless there is cogent, distinct evidence otherwise to suggest actual bias (and there lies a heavy onus on the Appellant to provide such hard evidence), the presumption must be that such Panels (often volunteers) are using their best endeavours to send the best possible teams/athletes to represent their sport internationally.
45. Finally, two points of note. The first is that it must be acknowledged that the Appellant has expressly noted that there is no animosity held towards the Respondent, the Selection Panel, coaches etc and that what has occurred here is an Appellant simply exercising their right to appeal under the relevant Policy. This sentiment must be noted and acknowledged. Not being selected for a major event in the sport that you have dedicated your life to is agonising and it is totally understandable that an athlete will seek any available means of appeal.
46. Second, when an athlete is not selected, communicating that decision to them whether by word or in person or both, is a vitally important part of the overall process. Such communication needs to be carefully crafted and considered, a point made by the NST in the selection matter in *Oscar Dart v Triathlon Australia* (NST-E23-156958, 15 June 2023). The Respondents here in the context of the Appeal supplied (commendably so and in good practice) a significant amount of material to explain the Selection Panel's decision-making. It may be the case generally that sharing such explanatory information sooner with non-selected athletes may lessen the chance that a matter ends up being appealed in quasi-legal form to this Tribunal.



THE TRIBUNAL DETERMINES:

1. The Respondent's decision not to select the Appellant for the 2026 UCI BMX Racing World Championships is upheld.
2. The Appellant's Appeal pursuant to clause 5.2.2 (a) and (c) of the Respondent's Appeals Policy is dismissed.
3. This determination of the NST is final and binding on the Parties and subject only to an appeal to the Appeals Division of the NST pursuant to clause 5.3 of the Respondent's Appeals Policy.

Date: 3 July 2026



Professor Jack Anderson