

BIRMINGHAM 2022 COMMONWEALTH GAMES
NOMINATION CRITERIA

SWIMMING NEW ZEALAND – PARA SWIMMING EVENTS

1. Application of this Nomination Criteria

1.1 **Status:** This Nomination Criteria is issued by the Board and shall take effect from 1 August 2021 and was amended on 11 October 2021. This Nomination Criteria supersedes any previous correspondence, discussions and representations (whether written or oral) by Swimming New Zealand regarding nomination and selection for the Games.

1.2 **Scope:** This Nomination Criteria applies to:

- (a) all Athletes wishing to be considered for nomination to the Games Team to compete in the Games in a Para Swimming Event; and
- (b) Swimming New Zealand, including its Selectors, that wish to nominate Athletes to NZOC to be considered for selection to the Games Team for the Games.

1.3 **Process:** Selection to the Games Team in a Para Swimming Event is a three-step process:

- (a) each Athlete must be eligible in accordance with clause 3 of this Nomination Criteria;
- (b) Swimming New Zealand nominates Athletes to the NZOC in accordance with this Nomination Criteria and the NZOC Nomination and Selection Regulation; and
- (c) the NZOC selects Athletes to the Games Team in accordance with the NZOC Selection Policy and the NZOC Nomination and Selection Regulation.

2. Selectors

2.1 **Composition:** The Selectors will be appointed by the CEO and approved by the Board. The Selectors who will consider nomination of Athletes to NZOC to be considered for selection in the Games Team will be confirmed by Swimming New Zealand Board prior to 1 January 2022 and published on the Swimming New Zealand website.

2.2 The Board reserves the right to change a Selector at any time in its absolute discretion prior to the Nomination Date. In such case, it will publish the change of Selector on the Swimming New Zealand website.

3. Eligibility

3.1 **Athlete Eligibility:** To be eligible to be nominated to the NZOC by Swimming New Zealand, an Athlete must:

- (a) have returned a completed Athlete Application to the NZOC, in the form prescribed by the NZOC by the following dates (“Application Date”):
 - ii. no later than 5.00pm, 26 November 2021; or
 - iii. in exceptional circumstances before 5.00pm, 28 January 2022 (or such extended date as agreed by the NZOC Board) where Swimming New Zealand provides the NZOC with evidence that demonstrates that Athlete could not have been reasonably in contemplation before 26 November 2021; and
- (b) have returned a completed Athlete Agreement in the manner prescribed by the NZOC to NZOC prior to the Nomination Date; and
- (c) be a member of Swimming New Zealand or one of its affiliates; and
- (d) be a New Zealand citizen and have a New Zealand passport; and
- (e) be internationally classified with a confirmed sport class status or Review 2023 or later as at Nomination Date; and
- (f) hold an active World Para Swimming Licence for the 2022 season; and
- (g) have received an invitation by name to compete in an Individual Para Swimming Event at the Games; and
- (h) have achieved a minimum of one World Para Swimming sanctioned competition within the Qualification Period in the Individual Para Swimming Event he/she intends to be Nominated in; and
- (i) have demonstrated to the satisfaction of Swimming New Zealand that they are not suffering any physical or psychological impairment that would prevent them from competing in the Games to the highest possible standard; and
- (j) have acted in such a manner so as not to bring the Athlete, the sport, Swimming New Zealand or the NZOC into public disrepute; and
- (k) not be under investigation for any breach of any part of the Swimming New Zealand and IPC, World Para Swimming’s anti-doping regulations, the Sports Anti-Doping Rules and/or the NZOC Integrity Regulation; and
- (l) 28 January 2022 (or such extended date as agreed by the NZOC Board) has provided their name and contact address details to NZOC for the purpose of out of competition drug testing with Drug Free Sport New Zealand.

3.2 **Qualification:** New Zealand must qualify for places in a Para Swimming Event(s) in accordance with the Birmingham 2022 Games Manual, CGF Athlete Allocation System and/or World Para Swimming requirements for the Games. Qualification for a place in any Para Swimming Event(s) by an Athlete (or group of Athletes) does not guarantee that Athlete

(or group of Athletes) will be nominated or selected to compete in the Para Swimming Event(s) at the Games.

- 3.3 **Nomination if Nomination Criteria Met:** Provided the requirements set out in clause 3.1 and 3.2 are met, the Selectors shall nominate to NZOC for consideration of selection, those Athletes it considers meet the Nomination Criteria set out below.

4. Nomination Criteria

- 4.1 **Nomination Criteria:** In considering any Athlete for nomination to the NZOC, the Selectors shall consider:

- (a) the Over-Riding Nomination Criteria specified in clause 5.1; and
- (b) the Specific Nomination Factors specified in clause 5.2; and
- (c) any Extenuating Circumstances in accordance with clause 6.

- 4.2 **Relevance and Weighting:** The Selectors may determine the relevance and weight that they wish to place on any Specific Nomination Factor(s) and any Extenuating Circumstances(s) as they consider appropriate. No particular Specific Nomination Factor shall be weighed more or less significantly based on the order in which it appears in this Nomination Criteria unless expressly specified otherwise.

- 4.3 **Permission to Start:** At the sole discretion of the NZOC, Nominated Athletes may, on Swimming New Zealand's request to the NZOC, if they are selected to the Games Team by the NZOC, request permission to start in another Para Swimming Event where competing in this Para Swimming Event will not have any detrimental effect on the Para Swimming Event they have already been selected for.

- 4.4 **Own Enquiries:** In considering the Specific Nomination Factors, the Selectors may make such enquiries of the Athlete, or other persons, as they see fit.

- 4.5 **Conditions:** In considering any results and performances of an Athlete at any Key Events, the Selectors may, but do not have to, take into account the conditions in which the results and performances were obtained such as, but not limited to, the field of competition.

- 4.6 **Extenuating Circumstances:** In any decision regarding the nomination of Athletes to the Games Team, the Selectors may, in their sole discretion, take into account any Extenuating Circumstances in accordance with clause 6 below.

5. Over-Riding Nomination Criteria and Specific Nomination Factors

- 5.1 **Over-Riding Nomination Criteria:**

- (a) In determining whether or not to nominate an Athlete to a Para Swimming Event, the Selectors must be satisfied overall that the Athlete:

- (i) is capable of achieving a top 6 placing at the Games in the Para Swimming Event(s); and
 - (ii) has a track record of sufficient quality and depth that the NZOC believes demonstrates that the Nominated Athlete(s) or group of Nominated Athlete(s) will be competitive at the Games and will perform creditably in that Para Swimming Event.
- (b) In determining whether or not the Athlete (or group of Athletes) satisfies the Over-Riding Nomination Criteria for Para Swimming Events in clause 5.1(a) above, the Selectors shall have regard to the results and performances in the following Key Events during the Qualification Period:
- (i) **Key Events**
 - Any World Para Swimming sanctioned long course event which contributes to the World Para Swimming Rankings; and/or
 - The Tokyo 2020 Paralympic Games.

5.2 **Specific Nomination Factors:** When considering the Over-Riding Nomination Criteria above, the Selectors may also take into account any one or more of the following factors about an Athlete within the Qualification Period:

- (a) any other performances or results in competitions / events in addition to the Key Events;
- (b) a strong performance trajectory;
- (c) adequate fitness and a commitment to maintain a fitness and training programme as agreed with the applicable coach(es);
- (d) demonstrated good behaviour, including a commitment to training and attendance at training camps;
- (e) demonstrated compatibility with others in a team environment;
- (f) demonstrated compliance with the rules of events and competitions;
- (g) understanding and respect for the obligations that accompany being a member of a New Zealand team when competing at the Games, including respect for Games Team members;
- (h) willingness to promote Swimming New Zealand in a positive manner;
- (i) demonstrated ability to take personal responsibility for self and their results;
- (j) proven ability to be reliable; and
- (k) any other factor(s) the Selectors consider relevant.

- 5.3 **Ranking:** In the event the final slot of qualification has been achieved by more than one athlete with the same result, World Para Swimming and the CGF will at their sole discretion determine who receives the final slot.

6. **Extenuating Circumstances**

- 6.1 **Extenuating Circumstances:** In considering the nomination of Athletes in accordance with this Nomination Criteria, the Selectors may, in their sole discretion, give weight to any Extenuating Circumstances which may include, but are not limited to, the following:

- (a) injury or illness;
- (b) travel delays;
- (c) equipment failure;
- (d) bereavement or personal misfortune; and/or
- (e) any other factors reasonably considered by the Selectors to constitute extenuating circumstances.

- 6.2 **Athlete to Advise:** Athletes unable to compete at Key Events, or other attendances required under this Nomination Criteria, must advise the CEO of the Extenuating Circumstances and reasons, in writing, with as much advance notice as possible and ideally seven (7) days prior to the commencement of the Key Event or other attendance. If the CEO is not notified of any Extenuating Circumstances in accordance with this Nomination Criteria, then the Selectors have no obligation to rely on such circumstances.

- 6.3 **Medical Certificate:** In the case of injury or illness, Athletes may be required by the CEO to provide a medical certificate and/or to undergo an examination by a health practitioner/s nominated by the CEO, and to provide that opinion and/or report to the Selectors. Any failure to agree to such a request may result in the Selectors being unable to consider the injury or illness as an Extenuating Circumstance.

- 6.4 **Case by Case:** In the case of any Extenuating Circumstance/s, the Selectors will make a decision on a case-by-case basis.

7. **Nomination and Selection**

- 7.1 **Nomination to NZOC:** Swimming New Zealand will nominate Athletes (“Nominated Athletes”) to the NZOC by the Nomination Date.

- 7.2 **Nomination with Conditions:** Swimming New Zealand may nominate an Athlete with any conditions, for example, conditions relating to recovery from injury or continuing to meet specified performance levels. If the conditions are not met to the satisfaction of the Selectors, they will not be eligible for selection, unless the NZOC decides to select the Nominated Athlete subject to those or other conditions.

7.3 **Selection by NZOC:** Selection to the Games Team by the NZOC will be made in accordance with the NZOC Nomination and Selection Regulation.

8. Appeal Procedure

8.1 **Non-Nomination Appeals:** An Athlete may appeal to Swimming New Zealand against their non-nomination to the NZOC by the Swimming New Zealand provided that the Athlete:

- (a) is on the Swimming New Zealand long list for the Games; and
- (b) meets the eligibility criteria under clause 3 of this Criteria.

8.2 **Procedures for Non-Nomination Appeals:** Any appeal under criteria 8.1 of this Criteria must be made in accordance with the procedures set out in clause 13 of the NZOC Nomination and Selection Regulation.

8.3 **Procedures for Non-Selection Appeals:** If a Nominated Athlete is not selected by the NZOC, the Nominated Athlete may appeal the non-selection in accordance with the procedures set out in clause 14 of the NZOC Nomination and Selection Regulation provided that the Nominated Athlete:

- (a) is on the Swimming New Zealand long list for the Games; and
- (b) meets the eligibility criteria under clause 3 of this Criteria.

9. Inconsistencies

9.1 **NZOC Nomination and Selection Regulation:** In the event there is any inconsistency between this Nomination Criteria and the NZOC Nomination and Selection Regulation, the NZOC Nomination and Selection Regulation shall prevail.

9.2 **CGF Athlete Allocation System:** If this Nomination Criteria imposes a higher qualification standard or a lesser number of participants than stated by the CGF Athlete Allocation System, this shall not be regarded as an inconsistency.

10. Amendments to this Nomination Criteria

10.1 **Prior to Nomination Date:** This Nomination Criteria may be amended or supplemented from time to time by the Board, before the Nomination Date, provided NZOC has approved the amendment/s and supplement/s.

10.2 **Notice:** The Board will give as much notice as possible of any amendment/s or supplement/s made under clause 10.1 to this Nomination Criteria, to persons it considers may be affected by any such amendment/s or supplement/s.

11. Definitions

- 11.1 **Application Date** means the dates set out in clause 3.1(a) of this Criteria, by which Athletes must submit to NZOC a completed Athlete Application in accordance with clause 8.3 of the NZOC Nomination and Selection Regulation.
- 11.2 **Athlete** means a person who wishes to be considered for nomination to the Games Team.
- 11.3 **Athlete Agreement** means the agreement that must be completed by any Athlete wishing to be considered for nomination and selection to the Games Team in accordance with clause 8.4 of the NZOC Nomination and Selection Regulation.
- 11.4 **Athlete Application** means the form set by the NZOC that must be completed by any Athlete applying to be nominated and selected to the Games Team.
- 11.5 **Board** means the Board of Swimming New Zealand as constituted under the Constitution.
- 11.6 **CEO** means the Chief Executive Officer of Swimming New Zealand and includes his / her nominee.
- 11.7 **CGF** means the Commonwealth Games Federation.
- 11.8 **Constitution** means the Constitution of Swimming New Zealand.
- 11.9 **Extenuating Circumstances** means the inability to perform at an optimum level arising from one or more of the reasons set out in clause 6.1.
- 11.10 **Games** means the Birmingham 2022 Commonwealth Games to be held in Birmingham, England between 28 July – 8 August 2022.
- 11.11 **Games Team** means the New Zealand Team at the Games selected in accordance with the NZOC Selection Policy for the Games.
- 11.12 **Individual Para Swimming Event** means one of the following events at the Games:

Men's Medal Events (6)	Eligible Sport Classes
• 200m Freestyle S14	• S14
• 50m Freestyle S13	• S11 - 13
• 100m Butterfly S10	• S9 - 10
• 100m Backstroke S9	• S8 - 9
• 100m Breaststroke SB8	• SB7 - 8
• 50m Freestyle S7	• S6 - 7
Women's Medal Events (6)	Eligible Sport Classes
• 200m Freestyle S14	• S14
• 50m Freestyle S13	• S11 - 13
• 200m IM SM10	• SM9 -10
• 100m Freestyle S9	• S8 - 9
• 100m Breaststroke SB6	• SB5 - 6
• 100m Backstroke S8	• S7 - 8

- 11.13 **IPC** means the International Paralympic Committee.
- 11.14 **Key Events** means the events listed in clause 5.1(b)(i).
- 11.15 **Mixed Para Swimming Event** means one of the following events at the Games in which Athletes compete as a group:

Mixed Teams	Classification
Mixed 4 x 100m Freestyle Relay	S14
Mixed 4 x Medley Relay	34 point

- 11.16 **Nominated Athlete** means an Athlete who has been nominated by Swimming New Zealand to the NZOC for consideration of selection to the Games Team.
- 11.17 **Nomination Criteria** means the criteria made up of the Over-Riding Nomination Criteria and the Specific Nomination Factors, and is also referred to as “**this Criteria**”.
- 11.18 **Nomination Date** means on or before 21 April 2022 (and includes any alternative date as agreed between NZOC and Swimming New Zealand), by which Swimming New Zealand must submit any Nominated Athletes to the NZOC.
- 11.19 **NZOC** means the New Zealand Olympic Committee Incorporated.
- 11.20 **NZOC Integrity Regulation** means the NZOC Integrity Regulation available at <http://www.olympic.org.nz/about-the-nzoc/governance-documents/>.
- 11.21 **NZOC Nomination and Selection Regulation** means the regulation of NZOC relation to the nomination and selection Process for all Olympic and Commonwealth games, including the Games, available at <http://www.olympic.org.nz/about-the-nzoc/governance-documents/>.
- 11.22 **NZOC Selection Policy** means the NZOC Selection Policy for the Games, available at <http://www.olympic.org.nz/assets/Uploads/Birmingham-2022-Selection-Policy-Final.pdf>.
- 11.23 **Over-Riding Nomination Criteria** means the criteria set out in clause 5.1(a).
- 11.24 **Para Swimming Event** means an Individual Para Swimming Event or a Mixed Para Swimming Event at the Games. Note: The CGF will conduct a formal review and analysis of the Para Swimming Events in September 2021 to determine their viability in accordance with the minimum depth of field and CGA/regional representation requirements, to be outlined in the CGF event viability policy. For the avoidance of doubt, following this review the CGF have the right to remove any Para Swimming Event at their sole and absolute discretion.
- 11.25 **Qualification Period** means the period between 31 December 2020 and 18 April 2022.
- 11.26 **Specific Nomination Factors** means the factors listed in clause 5.2 which the Selectors may take into account when applying the Over-Riding Nomination Criteria.
- 11.27 **Selectors** means the selectors appointed by Swimming New Zealand in accordance with clause 2 of this Nomination Criteria.

11.29 **Swimming New Zealand** means Swimming New Zealand Incorporated.

11.30 **World Para Swimming** means the World Para Swimming division of the International Paralympic Committee, which governs the international sport of Para swimming.