

## **1 Definitions and Interpretation**

### **1.1 Definitions**

Unless otherwise defined below, capitalised terms in this Nomination Criteria have the meaning given to them in the Australian Olympic Committee (AOC) Olympic Team Nomination and Selection By-Law, certain of which have been reproduced below for the sake of convenience.

**AOC** means the Australian Olympic Committee Inc and any of its officers, employees or agents and any committee it convenes including the AOC Selection Committee.

**AOC Olympic Team Nomination and Selection By-Law** means the document adopted by the Executive which governs, among other things, the nomination and selection of Athletes to a team for an Olympic Games or Olympic Winter Games.

**AOC Selection Committee** means the committee established by the AOC to send athletes and appoint officials to the Australian Olympic team for the Games.

**AOC Selection Criteria** means the criteria adopted by the AOC in respect of the Games which outlines the requirements for an athlete to be selected by the AOC to participate in the Games.

**Athlete** means a person who:

- (a) participates in the Sport; and
- (b) is recognised by the National Federation or the AOC as eligible for nomination to the AOC for selection to the Team pursuant to this Nomination Criteria.

**Executive** means the Executive of the AOC.

**Extenuating Circumstances** means:

- (c) injury or illness;
- (d) equipment failure;
- (e) travel delays;
- (f) bereavement or disability arising from death or serious illness of an immediate family member, which means a spouse, de facto partner, child, parent, grandparent, grandchild or sibling; or
- (g) any other factors considered by the National Federation to constitute extenuating circumstances.

**Games** means Tokyo 2020 Olympic Games.

**International Federation** means Fédération Internationale de Natation (FINA).

**National Federation** means Swimming Australia Limited (SAL).

**Nomination Date** means 19 June 2020.

**Qualification System** means the eligibility, participation and qualification criteria for the Sport in respect of the Games issued by the International Federation.

**Sport** means Swimming.

**Sport Entries Deadline** means the date on which entries to a Games must be submitted by the AOC.

**Team** means the team of athletes and officials selected by the AOC to participate in the Sport at the Games.

### **1.2 Interpretation**

- (a) Unless the context otherwise requires, reference to:

- (i) a clause is to a clause of this Nomination Criteria;
  - (ii) the singular includes the plural and the converse also applies;
  - (iii) persons include incorporated and unincorporated bodies, partnerships, joint ventures and associations and vice versa and their legal personal representatives, successors and permitted assigns and substitutes; and
  - (iv) a party includes the party's executors, administrators, successors and permitted assigns and substitutes.
- (b) If a person to whom this Nomination Criteria applies consists of more than one person, then this Nomination Criteria binds them jointly and severally.
  - (c) A reference to time, day or date is to time, day or date of Sydney, Australia.
  - (d) Headings are for convenience only and do not form part of this Nomination Criteria or affect its interpretation.

## **2 General**

- 2.1 This Nomination Criteria is issued by the board of the National Federation. The National Federation must provide, or otherwise make available, this Nomination Criteria to all Athletes.
- 2.2 The National Federation may only nominate Athletes to the AOC in accordance with this Nomination Criteria.
- 2.3 This Nomination Criteria will take effect on and from 1 June 2018 and will cease to have effect at the Conclusion of the Games.
- 2.4 This Nomination Criteria applies to:
  - (a) all Athletes;
  - (b) the National Federation; and
  - (c) the AOC.
- 2.5 The terms of the AOC Olympic Team Nomination and Selection By-Law are incorporated by reference into this Nomination Criteria. The National Federation must provide, or otherwise make available, the AOC Olympic Team Nomination and Selection By-Law to all Athletes.

## **3 Long List**

- 3.1 For the purpose only of identifying prospective members of the Team, the National Federation and AOC may maintain a Long List of Athletes.
- 3.2 For the avoidance of doubt, membership of the Long List does not increase decrease or otherwise affect an Athlete's prospects of being nominated by the National Federation, or being selected by the AOC, to the Team.

## **4 Athlete Quota Positions**

- 4.1 The National Federation may only nominate Athletes to the AOC for selection to the Team where, pursuant to the Qualification System, the International Federation has awarded the AOC or the National Federation athlete quota positions.
- 4.2 The National Federation may not nominate more Athletes than are permitted to be nominated by the AOC under the Qualification System.

- 4.3 The National Federation may nominate a maximum of two male and two female Athletes to the AOC for selection.

## 5 Eligibility Criteria

The National Federation will not nominate an Athlete unless, as at the Nomination Date, the National Federation is satisfied on reasonable grounds that the Athlete:

- (a) is a member of the National Federation;
- (b) satisfies the Qualification System;
- (c) is likely to satisfy the AOC Selection Criteria;
- (d) has not breached the AOC Anti-Doping By-Law, unless the Athlete has been sanctioned for the breach and has completed the sanction imposed; and
- (e) does not, and is not likely to in the foreseeable future, suffer from any physical or mental impairment that would prevent the Athlete from competing at the Games to the highest possible standard for that Athlete.

## 6 Nomination Criteria

- 6.1 The National Federation will nominate Athletes for the men's 10km race and the women's 10km race (the **Events**) who have been allocated a quota place by FINA in accordance with the Qualification System.

### Qualification Events

- 6.2 2019 FINA World Championships, Gwangju, South Korea (**World Championships**)
- (a) The selection criteria for the World Championships will be determined by the National Federation.
  - (b) The 10 highest placed athletes in each Event will obtain a quota place under the Qualification System.
  - (c) If one or two Australian Athletes in the Events obtain a quota place through the World Championships, then no further quota places for that Event can be obtained by Australian Athletes.
- 6.3 2020 FINA Olympic Marathon Swim Qualifier (**Marathon Qualifier**)
- (a) Subject to clause 6.2(c), the National Federation may send a maximum of two Athletes per Event to the Marathon Qualifier. The National Federation selection criteria for the Marathon Qualifier will determine which Athletes will attend the Marathon Qualifier.
  - (b) Each country can obtain a maximum of one quota place per Event.
  - (c) If an Australian Athlete finishes in the top nine (once the second placed athlete from each country has been removed from the results), they will obtain a quota place. If this occurs, then no further quota places for that Event can be obtained by Australian Athletes.
- 6.4 Continental Representation
- (a) Subject to clauses 6.2(c) and 6.3(c), the highest placed Athlete in each Event from each continent at the Marathon Qualifier will obtain a quota place.

## 7 Extenuating circumstances

- 7.1 In determining whether an Athlete has satisfied the criteria set out in clause 6, the National Federation may, in its absolute discretion have regard to Extenuating Circumstances.

## **8 Submission of Nominations**

- 8.1 The National Federation must notify Athletes of the Nomination Date in writing.
- 8.2 The AOC may, in its absolute discretion extend the Nomination Date for the National Federation for any reason.
- 8.3 The National Federation must nominate Athletes to the AOC by the Nomination Date. The National Federation must inform Athletes of their nomination or non-nomination by no later than:
- (a) 48 hours prior to the Nomination Date, where such written notice would be received by the Athlete 14 days prior to the Sport Entries Deadline; or
  - (b) 24 hours prior to the Nomination Date, where such written notice would be received by the Athlete within 14 days of the Sport Entries Deadline,
- or such later date as the AOC advises the National Federation.
- 8.4 Nominations submitted to the AOC must be in the form prescribed by the AOC or in a form that is otherwise acceptable to the AOC and include any such information that is required pursuant to the AOC Olympic Team Nomination and Selection By-Law.
- 8.5 The AOC may, in its absolute discretion, accept a nomination submitted after the Nomination Date where it is submitted by the National Federation as a result of an appeal brought in accordance with the AOC Olympic Team Nomination and Selection By-Law.

## **9 Amendments**

This Nomination Criteria may only be amended with the written consent of the AOC Selection Committee.

## **10 Governing Law**

This Nomination Criteria is governed by the laws of the State of New South Wales.