

**SWIMMING AUSTRALIA NOMINATION CRITERIA
TOKYO 2020 OLYMPIC GAMES
SWIMMING**

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:

- (a) injury or illness;
- (b) equipment failure;
- (c) travel delays;
- (d) 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;
- (e) an unanticipated event occurring at the Qualifying Event; or
- (f) any other factors considered by the National Federation to constitute extenuating circumstances.

FINA Point Score means the scoring system administered by FINA and available at http://archives.fina.org/H2O/index.php?option=com_content&view=article&id=1373&Itemid=641;

Games means Tokyo 2020 Olympic Games.

Individual Olympic Event means an individual swimming event that will form part of the 2020 Olympic Games program.

International Federation means Fédération Internationale de Natation (FINA).

National Federation means Swimming Australia Limited (SAL).

Nomination Date means Friday, 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.

Qualifying Event means the 2020 Hancock Prospecting Australian Swimming Trials, 14-19 June 2020, Adelaide, South Australia.

SAL Selection Panel means the committee established by the Swimming Australia Board to develop the selection criteria and select all Swimming Australia teams for approval by the High Performance Committee (HPC). The committee members are a SAL Director who is a Member of the High Performance Committee, the Chief Strategist – High Performance (Chair); the National Head Coach, the GM – Olympic Program; the National Youth Coach; the GM - Performance Pathway; and the GM - Paralympic & Open Water Programs. A quorum of four members must be present, and include a SAL Director who is a member of the High Performance Committee.

SAL Qualifying Time means a time that is equivalent to the time that qualified eighth into the Final at the 2019 FINA World Championships in Gwangju, South Korea.

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 February 2019 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 28 male and 28 female Athletes to the AOC for selection, which includes a maximum of 12 relay only swimmers.
- 4.4 The National Federation may nominate less Athletes than are permitted under the Qualification System, in its absolute discretion.

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

Individual Olympic Events

- 6.1 Subject to clause 6.5, the first and second placed Athletes who equal or better the SAL Qualifying Time in the 'A' final of an Individual Olympic Event at the Qualifying Event and who

are available to swim in that Individual Olympic Event at the Games will be nominated to the AOC for selection for that Individual Olympic Event.

- 6.2 If only the first placed Athlete equals or betters the SAL Qualifying Time in the 'A' final of an Individual Olympic Event at the Qualifying Event, only they will be nominated to the AOC for selection for that Individual Olympic Event.
- 6.3 If no Athletes equal or better the SAL Qualifying Time in the 'A' final of an Individual Olympic Event at the Qualifying Event, then no Athlete will be nominated to the AOC for selection for that Individual Olympic Event.
- 6.4 If two or more Athletes tie in the 'A' final of an Individual Olympic Event at the Qualifying Event, and the tie will determine whether one or more of the tied Athletes is nominated to the AOC, a swim-off will be conducted at the Qualifying Event between the tied athletes at a time to be determined by the Competition Technical Manager.
- 6.5 If the number of Athletes who achieve a SAL Qualifying Time at the Qualifying Event exceeds the maximum number of quota places available under the Qualification System, then:
 - (a) each Athlete's performance in the Individual Olympic Events will be compared by ranking the performances based on the 2019 FINA World Rankings (two athletes per nation, excluding Australian athletes. Australian Athletes are excluded to remove performances swam during the season but not at the selection event from the selection process) and the higher ranked Athlete will be given priority for selection; and
 - (b) in the event of a tie for the final position on the Team based on the 2019 FINA World Rankings, then the 2019 FINA Point Score(s) will be used to compare each Athlete's performance in the Individual Qualifying Olympic Event, and the athlete with the higher scoring performance will be given priority for selection; and
 - (c) in its sole and absolute discretion, the National Federation may prioritise relay only swimmers over Athletes who achieve SAL Qualifying Times in Individual Olympic Events.
- 6.6 An Athlete who is nominated to the AOC and is ultimately selected by the AOC to the Team, may be chosen by the Swimming Australia National Head Coach to compete in an Individual Olympic Event for which they did not meet the SAL Qualifying Time, subject to that Athlete having met the FINA qualification times outlined in the Qualification System for the relevant event. The decision by the Swimming Australia National Head Coach:
 - (a) may be made at his/her absolute discretion, which is not required to be exercised; and
 - (b) is not capable of being appealed either under the SAL Appeal Charter or otherwise.

- 6.7 Irrespective of this clause 6, the National Federation will only nominate Athletes who, in the opinion of the National Federation, in its absolute discretion is, and will remain, a positive ambassador for the Sport, the National Federation and the Games.

Relay Events

- 6.8 The following relay events are on the swimming program for the Games: men's and women's 4 x 100m freestyle relay, men's and women's 4 x 200m freestyle relay, men's and women's 4 x 100m medley relay, and the 4 x 100m mixed medley relay (the **Relay Events**).
- 6.9 Athletes who compete in the 'A' final of the following Individual Olympic Events at the Qualifying Event will be considered for the Relay Events: 100m freestyle, 200m freestyle, 100m backstroke, 100m butterfly, and 100m breaststroke.
- 6.10 In determining which Athletes will be nominated to the AOC for the Relay Events, the National Federation may have regard to any, all or none of the following factors, in its absolute discretion, which may or may not be exercised:
- (a) the Athlete's past relay performances at domestic and international competitions including past relay skills, such as changeover times and splits;
 - (b) the Athlete's physical form and fitness;
 - (c) the benefit or detriment of the Athlete's membership in the relay with respect to relay dynamics and team performance; and
 - (d) any other factors the SAL Selection Panel considers relevant.
- 6.11 The National Federation will nominate Athletes for the Relay Events who, in the opinion of the National Federation, in its absolute discretion:
- (a) will be most likely to achieve the highest competitive results at the Games; and
 - (b) are, and will remain until the conclusion of the Games, positive ambassadors for the Sport, the National Federation and the Games.

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.
- 7.2 In the event that an Athlete determines that he or she is unable to attend the Qualifying Event, that Athlete must notify the National Federation of his or her non-attendance in writing as soon as practicable.
- 7.3 The National Federation may consider an Athlete's non-attendance at the Qualifying Event to be an Extenuating Circumstance in its absolute discretion. The National Federation may require an Athlete to undergo a medical examination as a condition of treating the Athlete's non-attendance at the Qualifying Event as an Extenuating Circumstance.

8 Submission of Nominations

- 8.1 The National Federation must notify Athletes of the Nomination Date in writing and publish the list of nominated Athletes on the National Federations website (swimming.org.au) within 48 hours of the Nomination Date.
- 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 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 the Nomination Date, 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.