

**SWIMMING AUSTRALIA NOMINATION CRITERIA**  
**2022 BIRMINGHAM,**  
**COMMONWEALTH GAMES**  
**PARA SWIMMING**  
**Version 1.5 – 28 October 2021**

**Purpose of this Criteria**

This criteria outlines the eligibility and performance standards required to be nominated for selection to the 2022 Commonwealth Games Team for Para Swimming Events.

**1 Definitions and Interpretation**

This Nomination Criteria is to be read in conjunction with the Swimming Australia Nomination and Selection Guidelines. All defined terms in this Nomination Criteria have the same meaning as in the Guidelines, unless otherwise stated.

**1.1 Definitions**

Unless otherwise defined below, capitalised terms in this Nomination Criteria have the meaning given to them, certain of which have been reproduced below for the sake of convenience.

**CGA** means Commonwealth Games Australia and any of its officers, employees or agents and any committee it convenes including the games selection committee.

**CGA Board** means the Board of CGA.

**Athlete** means a person who:

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

**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 during the Qualifying Period; or
- (f) any other factors considered by the National Federation to constitute extenuating circumstances.

**IPC** means International Paralympic Committee

**CGF** means the Commonwealth Games Federation

**Games** means Birmingham 2022 Commonwealth Games

**Individual Parasport Event** means an individual swimming event that will form part of the Birmingham 2022 Commonwealth Games program.

**International Federation** means World Para Swimming

**National Federation** means Swimming Australia

**Nomination Date** means on or before 31 May 2022

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

**SA** means Swimming Australia

**Swimming Australia Selection Panel** means the committee established by the Swimming Australia Board to endorse and monitor the nomination criteria for all Swimming Australia teams on behalf of the High Performance Committee. The committee members are a Swimming Australia Director who is a Member of the High Performance Committee; GM High Performance (Chair); the Head Coach; the GM - Performance Pathway; and the GM - Paralympic & Open Water Programs. A quorum of all members must be present.

**Sport** means Swimming.

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

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

**WPS** means World Para Swimming.

**WPS Ranking** or **World Para Swimming Ranking** means the published online rankings of performance by event.

**Paralympic class** means the classification of the athlete.

**Commonwealth Games Para Swimming Event** means an event that is on the schedule for the Birmingham 2022 Commonwealth 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 representatives, successors and permitted assignees and substitutes;
  - (iv) a party includes the party's executors, administrators, successors and permitted assignees 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 Swimming Australia, 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 CGA in accordance with this Nomination Criteria.
- 2.3 This Nomination Criteria will take effect on and from 1 January 2022 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) CGA.

## **3 Long List**

- 3.1 For the purpose only of identifying prospective members of the Team, the National Federation and CGA will maintain a Long List of Athletes.
- 3.2 The purpose of the Long List is to create a list of potential athletes, some but not all of whom may be nominated by the National Federation.

## **4 Athlete Quota Positions**

- 4.1 The National Federation may only nominate Athletes to CGA for selection to the Team where, pursuant to the Qualification System, the International Federation (WPS) has awarded CGA athlete quota positions.
- 4.2 The National Federation may not nominate more Athletes than are permitted to be nominated by CGA under the Qualification System and Quota system.
- 4.3 For the Birmingham 2022 Commonwealth Games, the National Federation may nominate up to a maximum number of 18 male and 18 female athletes. This number of 36 total is the maximum team size.
- 4.4 The National Federation may nominate fewer Athletes than are permitted under the Qualification System, in its absolute discretion.

## **5 Eligibility Criteria**

- 5.1 The National Federation will nominate each Athlete as at the Nomination Date, where the National Federation is satisfied on reasonable grounds that the Athlete:
  - (a) is a current and financial member of the National Federation;

- (b) satisfies the Qualification System;
- (c) is likely to satisfy the CGA Selection Criteria;
- (d) has not breached the CGA Anti-Doping policy, unless the Athlete has been sanctioned for the breach and has completed the sanction imposed;
- (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; and
- (f) satisfies the Classification Eligibility Criteria.

## **6 Classification Eligibility Criteria**

- 6.1 Swimming Australia will only nominate an athlete who holds a valid international classification, listed on the WPS classification master list, with a sport class and sport class status that meets the requirements under the Birmingham 2022 Commonwealth Games qualification guide as of 29 June 2022. Athletes must be Internationally classified with a 'Confirmed' sport class status or a 'Review' sport class status with a review date after 31 December 2022.

Athletes must also agree to:

- (a) abide by the WPS Para sport classification rules and regulations, the IPC Athlete Classification Code and any relevant CGA and/or Swimming Australia classification policies and requirements, including attending classification assessment as required;
  - (b) complete any classification education modules as released by WPS, Swimming Australia or CGA;
  - (c) disclose previous classification documentation and/or medical diagnostic documentation from relevant specialists for classification; and
  - (d) notify Swimming Australia, CGA, or WPS if there is any changes in level of impairment, medical intervention undertaken, or medical history which may impact their classification in any way and agrees to undergo further classification assessment if required.
- 6.2 Swimming Australia will only nominate athletes who have not breached the WPS classification rules and regulations, or the IPC Athlete Classification Code, unless the athlete has been sanctioned for the breach and has completed the sanction imposed. However, if the sanction was equal to or greater than 2 years, the athlete is ineligible for nomination. For purpose of this clause, a breach may include, among other things:
- (a) An athlete under investigation for Intentional Misrepresentation where a notice has been issued, or the athlete has been sanctioned under the WPS Classification Rules and Regulations; or
  - (b) A failure to comply with an athlete's obligations under the WPS Classification Rules and Regulations.
- 6.3 Commonwealth Games Australia reserves the right to review the selection of athletes, including deselection, if exceptional circumstances arise that relate to the athlete classification for the sport or classification qualification criteria as detailed in the Birmingham 2022 Commonwealth Games Qualification Guide.

## 7 Nomination Criteria

7.1 To be considered for nomination onto the Commonwealth Games team, athletes will be required to be allocated a CGF qualification slot in one of the selection events.

7.2 The CGF will determine the slot allocations based on the following criteria:

- (a) Seven slots per medal event will be allocated to the highest ranked Commonwealth athletes from the IPC World Rankings, three per nation, per event based on performances recorded at IPC sanctioned events between the 31 December 2020 and 18 April 2022.

Men's Medal Events	Additional Eligible Classifications		Women's Medal Events	Additional Eligible Classifications
S14 200m Freestyle	S14		S14 200m Freestyle	S14
S13 50m Freestyle	S11-S13		S13 50m Freestyle	S11-S13
S10 100m Butterfly	S9-S10		SM10 200m IM	SM9-SM10
S9 100m Backstroke	S8-S9		S9 100m Freestyle	S8-S9
SB8 100m Breaststroke	SB7-SB8		SB6 100m Breaststroke	SB5-SB6
S7 50m Freestyle	S6-S7		S8 100m Backstroke	S7-S8

7.2 In the event the final slot of qualification has been achieved by more than one athlete with the same result, the IPC and CGF will at their sole discretion determine who receives the final slot.

7.3 These slots are not transferable. In the event CGA is unable to accept the award of any and/or all slots earned via this method, the slot(s) will be redistributed via the reallocation policy.

7.4 For the avoidance of doubt, only results achieved by athletes at World Para Swimming Recognised Competitions are eligible for World rankings. The qualification period is as follows: 31 December 2020 to 28 February 2022

7.5 The World Para Swimming Competition levels are defined in the World Para Swimming Rules and Regulations. The World Para Swimming Rules and Regulations and competition calendar can be found on the World Para Swimming Website: [www.paralympic.org/swimming](http://www.paralympic.org/swimming)

7.6 The CGA has introduced two mixed relay events for Birmingham. Relay swimmers must have already qualified in individual events and no additional relay swimmers will be considered.

7.7 The relay events are:

- (a) Mixed 4 x 100m Freestyle Relay S14.
  - i. The relay team must include two (2) male and two (2) female eligible athletes already entered in individual S14 Sport Class events.
- (b) Mixed 4 x 100m Medley Relay 34 point.

- i. The relay team must include two (2) male and two (2) female eligible athletes already entered in individual events.
- ii. All athletes must be selected from Sport Classes S5 – S10.
- iii. The relay team must have a maximum cumulative point score of 34 points. The cumulative point score is determined by combining the Sport Classes of all four (4) relay team athletes (in the stroke that they swim).

## **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 Federation website ([swimming.org.au](http://swimming.org.au)) within 48 hours of the Nomination Date.
- 8.2 CGA may, in its absolute discretion extend the Nomination Date for the National Federation for any reason.
- 8.3 Nominations submitted to CGA must be in the form prescribed by CGA or in a form that is otherwise acceptable to CGA and include any such information that is required.
- 8.4 CGA may, in its absolute discretion, accept a nomination submitted after the Nomination Date where it is submitted by the National Federation.

## **9 Appeals**

- 9.1 Athletes may appeal their non-nomination by SA in accordance with Schedule 1 of the CGA Nomination and Selection By-Law.
- 9.2 A non-nomination decision may only be appealed on the following grounds:
  - (a) that the nomination policy was not properly applied by SA with respect to the non-nominated athlete;
  - (b) the non-nominated athlete was not afforded a reasonable opportunity by SA to satisfy the nomination policy;
  - (c) SA was affected by actual bias in making its decision to not nominate the non-nominated athlete; or
  - (d) there was no material reason on which SA's decision could be reasonably based.

## **10 Amendments**

This Nomination Criteria may only be amended with the written consent of CGA.

## **11 Governing Law**

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