

PARIS 2024 OLYMPIC GAMES
NOMINATION CRITERIA FOR ARTISTIC SWIMMING EVENTS

ARTISTIC SWIMMING NZ INCORPORATED (ASNZ)

1. Application of this Nomination Criteria

1.1 **Status:** This Nomination Criteria is issued by the Board and shall take effect from 1st January 2023. This Nomination Criteria supersedes any previous correspondence, discussions and representations (whether written or oral) by ASNZ 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 an Artistic Swimming Event; and
- (b) ASNZ, including its Selectors, that wish to nominate an Artistic Swimming Event to NZOC to be considered for selection to the Games Team for the Games.

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

- (a) All Athletes must be eligible in accordance with clause 3 of this Nomination Criteria;
- (b) ASNZ nominates Athletes to the NZOC in accordance with this Nomination Criteria and the NZOC Nomination and Selection Regulation; and
- (c) the NZOC selects the 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 have been appointed by the Board. The Selectors who will consider nomination of the Artistic Swimming Event and its Athletes to NZOC to be considered for selection in the Games Team are:

Jo Burns
Luciana Garcia
Head Coach of the Aqua Ferns

2.2 **Change of Selectors:** 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 communicate the change in Selector directly to all Athletes.

3. Eligibility

3.1 **Athlete Eligibility:** To be eligible to be nominated to the NZOC by ASNZ, 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”):
 - i. no later than 5.00pm, 26 July 2023, where an Athlete is not an affiliated member of ASNZ at this date; or
 - ii. no later than 5.00pm, 24 November 2023, where the Athlete is an affiliated member of ASNZ; and
 - ii. in exceptional circumstances before 5.00pm, 26 January 2024 (or such extended date as agreed by the NZOC Board) where ASNZ provides the NZOC with evidence that demonstrates that Athlete could not have been reasonably in contemplation on 24 November 2023, provided the Athlete is an affiliated member of ASNZ 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 an affiliated member of ASNZ through one of its Clubs; and
- (d) be a New Zealand citizen and have a New Zealand passport; and
- (e) be born on or before 31 December 2009; and
- (f) have demonstrated to the satisfaction of ASNZ 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
- (g) have acted in such a manner so as not to bring the Athlete, the sport, ASNZ or the NZOC into public disrepute; and
- (h) not be under investigation for any breach of any part of the ASNZ and WAQ’s anti-doping regulations, the Sports Anti-Doping Rules and/or the NZOC Integrity Regulation; and
- (i) no later than 26 July 2023, where the Athlete is not an affiliated member of ASNZ and 26 January 2024 (or such extended date as agreed by the NZOC Board), where the Athlete is an affiliated member of ASNZ, have 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 an Artistic Swimming Event in accordance with WAQ’s Qualification System for the Paris 2024 Olympic Games (“WAQ Qualification System”) and/or WAQ requirements for the Games. Qualification for a place in any Artistic Swimming Event by a group of Athletes does not guarantee that the group of

Athletes will be nominated or selected to compete in the Artistic Swimming Event at the Games.

3.3 **Nomination if Nomination Criteria Met:** Provided the requirements set out in clauses 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.

3.4 **Reserve Athletes:** The Selectors may nominate Reserve Athletes to the NZOC for any Artistic Swimming Event.

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; or
- (b) the Secondary Nomination Criteria specified in clause 5.2; and
- (c) the evidential requirements specified in clause 5.3; and
- (d) the Specific Nomination Factors specified in clause 5.4; and
- (e) 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 **Own Enquiries:** In considering the Specific Nomination Factors, the Selectors may make such enquiries of the Athlete, or other persons, as they see fit.

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

4.5 **Conditions:** In considering any results and performances of an Athlete at any Key Events and Trials, 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 or weather (if at an outdoor pool).

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:

In determining whether or not to nominate a group of Athletes to an Artistic Swimming Event, the Selectors must be satisfied overall that:

(a) Duet Artistic Swimming Event

- (a) are competing in a Duet Artistic Swimming Event where a quota place at the Games has been qualified in accordance with the WAQ Qualification System; and
- (b) are capable of achieving a top 16 placing in the Games in that Duet Artistic Swimming Event, with the potential to win an Olympic Diploma (top 8 placing); and
- (c) have a track record of sufficient quality and depth that the Selectors believe demonstrates the Nominated Athletes will be competitive at the Games and will perform to the level specified in clause 5.1(b). in that Duet Artistic Swimming Event(s).

(b) Team Artistic Swimming Events

- i. the nominated group of Athletes has qualified a team place at the Games in accordance with the WAQ Qualification System; and
- ii. the nominated group of Athletes is capable of advancing beyond the first round of competition or is capable of achieving a top eight placing at the Games where there are no quarter finals; and
- iii. all athletes available and eligible to compete in the nominated group of Athletes at the Games are an equal or higher standard and quality to the group of athletes who comprised the group of Athletes during qualification; and
- iv. the athletes in the nominated group of Athletes have a track record of sufficient quality and depth that the Selectors believes demonstrates the nominated group of Athletes will be competitive at the Games and will perform creditably.

5.2 Secondary Nomination Criteria: Where a quota place has been qualified at the Games in accordance with the WAQ Qualification System in the Duet Artistic Swimming Event, but where no pair of athletes have met the overriding criteria in clause 5.1(b) and (c), then the Selectors may consider nominating a group of Athletes provided that the Selectors are satisfied overall that the Athletes have demonstrated they are capable of achieving an Olympic Diploma (top 8 placing) in a Duet Artistic Swimming Event at the Los Angeles 2028 Olympic Games, provided they have a strong record of international competition of such quality and depth that the Selectors believe demonstrates the Nominated Athletes will be competitive in the Duet Artistic Swimming Event at the Games.

5.3 **Evidence:** In determining whether or not the group of Athletes in the Artistic Swimming Event to be nominated satisfy the Over-Riding Nomination Criteria in clause 5.1 or the Secondary Criteria in 5.2 above, the Selectors shall have regard to:

- (a) *Results and Performances:* any one or more of the results and performances of each Athlete at the following Key Events during the Qualification Period:

WAQ World Series Events

WAQ World Championships in Fukuoka, July 2023

Oceania Continental Olympic Qualifier for the Games

WAQ World Championships in Doha, February 2024

5.4 **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 a Team and its Athletes within the Qualification Period:

- (a) any other performances or results in competitions / events in addition to the Key Events;
- (b) adequate fitness and a commitment to maintain a fitness and training programme as agreed with the applicable coach(es);
- (c) demonstrated good behaviour, including a commitment to training and attendance at training camps;
- (d) demonstrated compatibility with others in a Team environment;
- (e) demonstrated compliance with the rules of events and competitions;
- (f) 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;
- (g) willingness to promote ASNZ in a positive manner;
- (h) demonstrated ability to take personal responsibility for self and their results;
- (i) proven ability to be reliable;
- (j) any other factor(s) the Selectors consider relevant; and
- (k) injuries and athlete adherence to rehab/recovery protocols.

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) bereavement or personal misfortune; and/or
- (d) any other factors reasonably considered by the Selectors to constitute extenuating circumstances.

6.2 **Athlete to Advise:** Athletes unable to compete at Key Events, Trials, or other attendances required under this Nomination Criteria, must advise the ASNZ Chair 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, Trial or other attendance. If the ASNZ Chair 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 ASNZ Chair to provide a medical certificate and/or to undergo an examination by a health practitioner/s nominated by the ASNZ Chair, 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:** ASNZ will nominate Athletes (“Nominated Athletes”) and any Reserve Athletes to the NZOC by the Nomination Date.

7.2 **Nomination with Conditions:** ASNZ 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 ASNZ against their non-nomination to the NZOC by the Selectors provided that the Athlete:

- (a) is on the ASNZ 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 paragraph 8.1 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 the Nominated Athlete:

(a) is on the ASNZ 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 **WAQ Qualification System:** If this Nomination Criteria imposes a higher qualification standard or a lesser number of participants than stated by the WAQ Qualification 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 **Artistic Swimming Event** means a Duet Artistic Swimming Event or a Team Artistic Swimming Event at the Games.

11.3 **ASNZ** means Artistic Swimming New Zealand Federation.

11.4 **ASNZ Chair** means the Chairperson of ASNZ and includes his / her nominee.

11.5 **Athlete** means a person who wishes to be considered for nomination to the Games Team.

- 11.6 **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.
- 11.7 **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.
- 11.8 **Board** means the Board of ASNZ as constituted under the ASNZ's constitution.
- 11.9 **Duet Artistic Swimming Event** means the Duet Artistic Swimming Event at the Games in which the athlete competes as a pair.
- 11.10 **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.
- 11.11 **Games** means the Games of the XXXIII Olympiad to be held in Paris, France from 26 July to 11 August 2024.
- 11.12 **Games Team** means the New Zealand Team at the Games selected in accordance with the NZOC Selection Policy for the Games.
- 11.13 **Key Events** means the competitions listed in clause 5.3.
- 11.14 **Nominated Athlete** means an Athlete who has been nominated to the NZOC for consideration of selection as part of the Games Team by ASNZ.
- 11.15 **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**".
- 11.16 **Nomination Date** means on or before 10 June 2024 (and includes any alternative date as agreed between NZOC and ASNZ, by which ASNZ must submit any Nominated Athletes to the NZOC.
- 11.17 **NZOC** means the New Zealand Olympic Committee Incorporated.
- 11.18 **NZOC Integrity Regulation** means the NZOC Integrity Regulation available at <http://www.olympic.org.nz/about-the-nzoc/governance-documents/>.
- 11.19 **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/>.
- 11.20 **NZOC Selection Policy** means the NZOC Selection Policy for the Games, available at <https://www.olympic.org.nz/games/paris-2024/selection/>.
- 11.21 **Over-Riding Nomination Criteria** means the criteria set out in clause 5.1.
- 11.22 **Qualification Period** means the period between 1 November 2022 to 9 June 2024.

- 11.23 **Reserve Athletes** means a travelling and/or non-travelling reserve, as designated by the Selectors and in accordance with the WAQ Qualification System and the Paris 2024 Sport Entry Manual.
- 11.24 **Secondary Nomination Criteria** means the criteria set out in clause 5.2.
- 11.25 **Specific Nomination Factors** means the factors listed in clause 5.4 which the Selectors may take into account when applying the Over-Riding Nomination Criteria.
- 11.26 **Selectors** means the selectors appointed by ASNZ in accordance with clause 2 of this Nomination Criteria.
- 11.27 **Team Artistic Swimming Event** means a women's artistic swimming team where a group of 8 Athletes compete together at the Games.
- 11.28 **WAQ** means the International Swimming Federation.