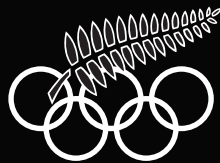


#5

Guidance Notes on Selection



GUIDANCE NOTE ON SELECTION¹ #5

Selection for Commonwealth, Olympic and Paralympic Games

This Guidance Note covers the process for selection of athletes to Commonwealth Games, Olympic Games² and Paralympic Games teams. It highlights the differences in the selection process for these Games from those undertaken by National Sports Organisations (NSOs) for other international events such as World Championships.

Selection vs Nomination

- The key difference between selection of athletes for Commonwealth, Olympic or Paralympic Games (“Games”) and those for other international events (such as World Cups or World Championships), is that the NSO only nominates athletes and does not make the final selection decisions.
- The selection decisions are made by the New Zealand Olympic Committee (for Commonwealth and Olympic Games) and by Paralympics New Zealand (for Paralympic Games). This is because the teams attending these Games can only be entered by the New Zealand Olympic Committee or Paralympics New Zealand (respectively), and the selected athletes are under their management at the Games.
- For these Games, the selection process involves two steps:
 - Nomination of the athletes by the NSO (usually done by the NSO’s Selectors) to the New Zealand Olympic Committee or Paralympics New Zealand; and
 - Selection by the New Zealand Olympic Committee (for Olympic and Commonwealth Games) and Paralympics New Zealand (for Paralympic Games).
- NSOs are required to develop Nomination Policies that:
 - Meet the threshold for selection “selection standard” decided by the New Zealand Olympic Committee or Paralympics New Zealand³. For example, the current selection standard for Olympic Games is that the athlete or team is, or are, capable of achieving a top 16 placing at the Games;
 - Comply with the qualification criteria decided by the sport’s international sports federation in conjunction with the International Olympic Committee, Commonwealth Games Federation or the International Paralympics Committee (whichever is relevant). The qualification criteria sets out the process by which New Zealand can qualify places at the Games. This is usually related to the results at the World Championships or other international events in the sport immediately preceding the Games. The qualification criteria also sets out any minimum standards to be met in order to be entered to compete at the Games as well as the number of athletes and entries permitted from New Zealand for each discipline or event at the Games;
 - Set out the factors the NSO will consider in order to show the capability of the athletes and teams to achieve the selection standard. These factors will include a list of the results/performance and other factors the NSO Selectors must (i.e. mandatory) or may (i.e. optional) take into account in deciding if the athletes will be nominated to the New Zealand Olympic Committee or Paralympics New Zealand, as applicable. These factors will be similar to those required for a Selection Policy⁴ and must be consistent with the New Zealand Olympic Committee or Paralympics New Zealand Selection Policy for the relevant games;
 - In all other respects comply with the requirements of, and are approved by, the New Zealand Olympic Committee or Paralympics NZ, as applicable. Both organisations provide a template Nomination Policy for this purpose.

¹ This Guidance Note is one of five Guidance Notes covering the process of selection of athletes by National Sports Organisations (NSOs) to national teams

² This includes Summer and Winter Olympic Games, and pre-elite games such as Youth Olympic Games (Summer and Winter), Commonwealth Youth Games and any other games the NZOC agrees to selected athletes to a Games Team.

³ For the NZOC this is set out in its Selection Policy which it issues for each Games. For example, see the Selection Policy for the Gold Coast 2018 Commonwealth Games at <http://www.olympic.org.nz/assets/Uploads/Gold-Coast-Selection-Policy-Amended-2.pdf>

⁴ See Guidance Note #2 – Selection Policies on drafting a Selection Policy

Process for Selection

- For athletes and teams selected by the New Zealand Olympic Committee, the selection process for Commonwealth and Olympic Games is set out in the “New Zealand Olympic Committee Nomination and Selection Regulation”⁵. These set out the whole process, from start to finish, of the steps to be undertaken by the athlete, the NSO and the NZOC in selecting athletes.
- For the Paralympic Games, there is a similar Selection Regulation issued by Paralympics New Zealand but it is specific to each Games⁶.
- The selection process can be summarised as follows:
 - Athletes seeking to be considered for nomination and selection to a Games must complete the relevant application form and supply other required information;
 - Athletes who are selected by the New Zealand Olympic Committee or Paralympics New Zealand (as applicable) are required to sign an Athlete Agreement and fulfil other requirements before they are nominated to the New Zealand Olympic Committee or Paralympics New Zealand, whichever is applicable. This Athlete Agreement will only come into effect when an athlete is successfully nominated and selected.
 - The sport must qualify places at the Games through the qualification system or athlete allocation system decided by their International Sports Federation in conjunction with the International Olympic Committee, Commonwealth Games Federation or the International Paralympics Committee (whichever is relevant);
 - The NSO Selectors apply the specific Nomination Policy of the NSO and decide on the athletes and teams to be nominated;
 - The NSO nominates athletes and teams to the New Zealand Olympic Committee or Paralympics New Zealand (as applicable). This requires the NSO Selectors to provide all the necessary evidence that the athletes and teams have met the Nomination Policy and are capable of meeting the selection standard set by the New Zealand Olympic Committee or Paralympics New Zealand (as applicable);
 - The New Zealand Olympic Committee or Paralympics New Zealand (as applicable) then decides whether or not to select the nominated athletes. They cannot select athletes who have not been nominated;
 - Athletes may be selected subject to certain conditions such as satisfying fitness requirements. Travelling and non-travelling reserve athletes may also be selected;
 - The New Zealand Olympic Committee or Paralympics New Zealand (as applicable) and NSO then usually jointly announce the selected athletes.

Other Paralympic Events

- In addition to Paralympic Games, Paralympics New Zealand also selects teams to sport specific international events such as IPC World Championships for sports where Paralympics New Zealand manages a sport’s high performance programme, for example cycling, shooting and swimming.
- The process for selection of athletes to these events is set out in the General Selection Regulation for PNZ Managed Sports⁷. Unlike the other Games this is not a two-step selection process as Paralympics New Zealand selects the athletes directly in a similar manner as if it were an NSO.

⁵ See <http://www.olympic.org.nz/assets/Uploads/Gold-Coast-Selection-Policy-Amended-3-final-.pdf>

⁶ For example, the Rio 2016 Selection Regulation at http://www.paralympics.org.nz/Portals/17/Documents/Competitions/2016_Summer_Paralympic_Games/PNZ%20Rio%202016%20Paralympic%20Games%20Selection%20Regulation%20Feb%202015.pdf.

⁷ See <http://www.paralympics.org.nz/Portals/17/Documents/Pathway/Selections/General%20Selection%20Criteria%20for%20PNZ%20Managed%20Sports.pdf>

Nomination and Selection Appeals

- Due to the two-step process of (1) nomination followed by (2) selection, an athlete may appeal at either decision making point in the process. An athlete may:
 - Appeal the decision of the NSO not to nominate them (“Non-Nomination Appeal”) to the New Zealand Olympic Committee or Paralympics New Zealand (as applicable);
 - Appeal the decision of the New Zealand Olympic Committee or Paralympics New Zealand (as applicable) not to select them to the New Zealand team (“Non-Selection Appeal”).
- A Non-Nomination Appeal is made by an athlete against the NSO in the same way as a selection appeal occurs for non-selection by an NSO to its sport’s international events⁸. The New Zealand Olympic Committee or Paralympics New Zealand (as applicable) may or may not participate in a Non-Nomination Appeal as an Interested Party.
- Even if a Non-Nomination Appeal is successful, this does not guarantee selection to the team. Depending on the outcome of the appeal, the NSO may be required by the Tribunal to reconsider the nomination decisions, or if the Tribunal orders the NSO to nominate the athlete (which is rarely done), the New Zealand Olympic Committee or Paralympics New Zealand, whichever is relevant, must still decide whether the athlete can be selected and meets its selection standard.
- A Non-Selection Appeal is not made against the NSO but is made against the New Zealand Olympic Committee or Paralympics New Zealand (as applicable). It can only be made by an athlete who was nominated by the NSO but was then not selected by the New Zealand Olympic Committee or Paralympics New Zealand (as applicable).
- If a nomination is conditional on the fulfilment of some condition (such as fitness), and the athlete is then selected on the same basis, but that condition is not fulfilled, this could give rise to a Non-Selection Appeal. Being clear on the status of whether an athlete is under consideration for nomination or selection is therefore important.

CASE NOTE:

In *Dell v NZ Olympic Committee (2014)* the Sports Tribunal dismissed the appeal by Dell who had been nominated to the NZOC subject to “proving form and fitness”. She was then conditionally selected by the NZ Olympic Committee on the same basis. She did not meet the fitness requirements and appealed against her “de-nomination”. The Tribunal took the view that although Ms Dell had not received notification from the NZOC directly, she had conditionally been selected and therefore it was an appeal against her non-selection.

⁸ See Guidance Note #4 – Selection Appeals