

2017 Canada Games
Saskatchewan Appeal of Alberta and Ontario Para Age Exemptions

Alberta and Ontario requested age exemptions for para athletes in the 2.4M class in the 2017 Canada Summer Games. Specific exemptions were approved by a Sail Canada Panel for Wendy Frazier (AB) and Peter Eagar (ON) on the basis that age-compliant competitors were not available.

Saskatchewan filed an appeal of the two earlier decisions on a number of bases:

- That provinces had four years between the 2013 and 2017 Canada Summer Games to prepare age-appropriate para athletes, and SK had successfully met this important developmental target despite being “a small province in the sport of sailing;”
- That AB, the “largest sailing province in the Prairies has also been given an age exemption for a 55 year old Paralympic athlete;”
- That ON, with more than 180 sailing clubs had been given an age exemption for a 60 year old para athlete who was a long-time competitive sailor in the 2.4M class;
- That approval of age exemptions to AB and ON para athletes was “unfair to provinces developing younger age-appropriate athletes. The messaging in these exemptions, and supporting provinces that have not developed athletes is very damaging.”
- That age exemptions supported an argument that established age-exempt athletes were better for provincial Canada games results than the development of new, age-appropriate talent

Saskatchewan requested that the age exemptions granted to AB and ON be revoked, and that the para reallocation policy be invoked to allow two age-compliant SK para athletes to participate in the 2017 CSG.

Alberta and Ontario were offered the opportunity to comment and did so. Alberta submitted:

- That the SK submission was not based on fact;
- That AB had purchased two 2.4Ms to support development of athletes and continued to seek para athletes;
- That Wendy Frazier had been making use of AB winter training options on the West coast;
- That the AB submission for age exemption had been made in good faith based upon “the Age Exemption Clause as set out by the Canada Games Society and that the Appeals committee addressed the matter through three questions which we addressed to their satisfaction;”
- That the SK objections had no merit and should be denied.

Ontario submitted:

- That ON ran an advertised selection process for the 2017 CSG para class, for which all respondents were over age 35;
- That while ON has active training centres for para classes of boats “finding and attracting younger athletes ... has proven most difficult at best;”
- That ON does not own 2.4M boats, so must rely upon athletes supplying their own boats;
- That the 2.4M class has proven to be insensitive to sailor physical ability, gender or age, so consideration of age-exemption is a “non-issue in our opinion;”

- That ON sought better results though age-exemption could “not be farther from the truth.” ON had not been able to find an age-compliant athlete, and further suggested that the age requirement for the 2.4M class be removed;
- That SK’s proposal that SK be given two spots in lieu of approving age exemptions for AB and ON would be punitive;
- That SK’s appeal be dismissed.

Decision of the Panel

Eligibility of para athletes is defined in Paragraph 3.2 of the CSG 2017 Sailing Technical Package:

Must be under 35 years of age and no younger than 17 years of age as of December 31, 2017.
Date of Birth between: January 1, 1983 – December 31 2000.*

Competition is restricted to athletes with a Disability Classification of up to 7*.

*In keeping with the objective of targeting athletes within the Training to Compete (T2C) level of the LTAD, age exceptions will be considered for Para-Sailing athletes born outside the years listed whose athlete development level is consistent with T2C. The Canada Games and the Sail Canada recognize that an age-dependent criterion may not adequately reflect the entry of the developing para-athlete into sailing due to late onset disabilities through injury or medical condition. Sail Canada’s Paralympic Development Review Group in cooperation with the CGC will consider these special cases up to June 1 2017.

The Sailing Technical Package is approved by the Canada Games Society and so the age exemption clause is a valid criterion for CSG 2017 eligibility.

When the panel approved age exemption requests from AB (Wendy Frazier) and ON (Peter Eagar) neither province had candidate age-compliant para athletes available to them. In such circumstances, it would have been inconsistent with the stated intent of the age exemption clause of paragraph 3.2 of the Sailing Technical Package to refuse the requests from AB and ON where the selected over-age para athletes met residency and athletic development standards.

The age exemption clause of paragraph 3.2 of the Sailing Technical Package provides no basis on which to compare the real or anticipated performance of athletes who are not age-compliant from one province with age-compliant athletes from another. Decisions on appeals for age exemptions based on real or anticipated performance are, therefore outside the scope of the CSG eligibility rules. Further, the eligibility rules, through the age exemption clause, do not *require* a province to restrict para athletes to be age-compliant, so appointment of non-age-compliant para athletes to provincial teams is not unfair, *per se*.

SK ‘s appeal of the approval of age-exemptions of AB (Wendy Frazier) and ON (Peter Eagar) is denied since the age exemptions were granted in compliance with CSG rules (the Sailing Technical Package).

Paragraph 2.5 of the Sailing Technical Package provides a Para Reallocation Policy

The Para Reallocation policy recognizes the challenges that exist in para sport and the level of participation needed in order to ensure meaningful and quality competition. Should the para

athlete quota permissible to each team not be filled by each jurisdiction, the Para Reallocation Policy will be followed to allocate additional para athletes to the competition.

The Canada Games Council Para Athlete Reallocation Policy provides that “Para events with participant registrations below the NSO determined field size for meaningful competition will be opened up to additional participants above the stated technical package team sizes” and further specifies the minimum field size for meaningful competition in para sailing to be “at least 8 athletes.” The Sailing Technical Package statement is not strictly consistent with the Canada Games Council Para Athlete Reallocation Policy, so the panel assumes that the Canada Games Council Policy would override the Sailing Technical Package.

SK’s request that the Para Reallocation Policy be invoked in favour of a second age-compliant SK para athlete would be dependent upon the para sailing field size falling to less than eight, rather than the rejection of eligibility of any individual province’s athlete. Until the para field size is known there is no basis for para reallocation, nor is it apparent that such reallocation is within this panel’s authority. Sail Canada will be advised of SK’s proposal of a second age-compliant para athlete in this regard, in the event that reallocation should be required.

Warren Nethercote, Chair

Lynne Beal

Mike Turner

Ken Dool

February 16, 2017