

BIRMINGHAM 2022 COMMONWEALTH GAMES
NOMINATION CRITERIA FOR DIVING EVENTS

Diving New Zealand Incorporated

1. Application of this Nomination Criteria

1.1 **Status:** This Nomination Criteria is issued by the Board of Diving New Zealand (Diving NZ) and shall take effect from 20th November 2020 and was amended on 25 January 2022 and [insert date]. This Nomination Criteria supersedes any previous correspondence, discussions and representations (whether written or oral) by Diving NZ 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 a Diving Event; and
- (b) Diving NZ including its Selectors that wish to nominate Athletes to NZOC to be considered for selection to the Games Team for the Games.

1.3 **Process:** Selection to the Games Team in a Diving Event is a three step process:

- (a) each Athlete must be eligible in accordance with clause 3 of this Nomination Criteria;
- (b) Diving NZ nominates Athletes to the NZOC in accordance with this Nomination Criteria and the NZOC Nomination and Selection Regulation; and
- (c) the NZOC selects 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 Athletes to NZOC to be considered for selection in the Games Team are:

Simon Latimer (Convenor)
Steve Gladding
Bruce Megget

- 2.2 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 publish the change of Selector on the Diving NZ website.

3. Eligibility

- 3.1 **Athlete Eligibility:** To be eligible to be nominated to the NZOC by Diving NZ 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, 28 July 2021, where an Athlete is not a regular member of diving NZ at this date; or
 - ii. no later than 5.00pm, 26 November 2021, where an Athlete is a regular member of Diving NZ or
 - iii. in exceptional circumstances before 5.00pm, 28 January 2022 (or such extended date as agreed by the NZOC Board) where Diving NZ provides the NZOC with evidence that demonstrates that Athlete could not have been reasonably in contemplation before 26 November 2021, provided the Athlete is a regular member of Diving NZ 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 a member of Diving NZ or one of its affiliates; and
 - (d) be a New Zealand citizen and has a New Zealand passport; and
 - (e) have demonstrated to the satisfaction of Diving NZ 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
 - (f) have acted in such a manner so as not to bring the Athlete, the sport, Diving NZ or the NZOC into public disrepute; and
 - (g) not be under investigation for any breach of any part of the Diving NZ and FINA’s anti-doping regulations, the Sports Anti-Doping Rules and/or the NZOC Integrity Regulation; and
 - (h) no later than 28 July 2021 where the Athlete is not a regular member of Diving NZ or 28 January 2022 (or such extended date as agreed by the NZOC Board) has

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:** Diving NZ acknowledges that the NZOC has placed an initial quota restriction on Diving NZ of four (4) athletes. Diving NZ cannot nominate more than four (4) athletes otherwise than as part of any quota reallocation process notified by the NZOC or where Diving NZ is notified by the NZOC that an additional quota place has become available for a specified purpose.
- 3.3 **Nomination if Nomination Criteria Met:** Provided the requirements set out in clause 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 Diving 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; and
 - (b) the Specific Nomination Factors specified in clause 5.2; and
 - (c) 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 **Permission to Start:** At the sole discretion of the NZOC, Nominated Athletes may, on Diving NZ's request to the NZOC, if they are selected to the Games Team by the NZOC, request permission to start in another Diving Event where competing in this Diving Event will not have any detrimental effect on the Diving Event they have already been selected for.
- 4.4 **Own Enquiries:** In considering the Specific Nomination Factors, the Selectors may make such enquiries of the Athlete, or other persons, as they see fit.
- 4.5 **Conditions:** In considering any results and performances of an Athlete at any Key Events, 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 weather conditions and the field of competition.

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:**

(a) In determining whether or not to nominate an Athlete (or group of Athletes) to a Diving Event, the Selectors must be satisfied overall that the Athlete (or group of Athletes):

(i) is or are capable of achieving a top 6 placing at the Games in the Diving Event(s); and

(ii) has or have a track record of sufficient quality and depth that the NZOC believes demonstrates that the Nominated Athlete(s) or group of Nominated Athlete(s) will be competitive at the Games and will perform creditably in that Diving Event.

(b) In determining whether or not the Athlete (or group of Athletes) satisfies the Over-Riding Nomination Criteria for Diving Events in clause 5.2(a) above, the Selectors shall have regard to the following:

i. *Results and Performances:* the results and performances in the Diving Event at the following Key Events during the Qualification Period:

- FINA Diving Grand Prix Events, including any FINA Diving Grand Prix that may be held virtually.
- FINA Diving World Series Events.
- The Open New Zealand Diving Championships (21-23 May 2022) or any Open National Diving Championships of another Commonwealth Games nation*.
- Auckland Diving Championships, from 5-6 March 2022*
- North Island Diving Championships, from 25-27 March 2022*
- Tokyo 2020 Olympic Games.
- 2021 FINA Diving World Cup.

*In order for these events to be eligible as Key Events, qualifying events must be wholly comprised of, and officiated by, a panel of FINA certified diving judges in relation to open aged Athletes. Dates of these specified Key Events may be changed by Diving NZ and notified to Athletes on the Diving NZ website.

(ii) *Trials:* In addition to performances and results set out in clause 5.1(b)(i) above, the results and performance at any Trials held during the Qualification Period. To assist the Selectors in considering any nomination under this Nomination Criteria, the Selectors may in consultation with the Chair (or his/her authorised representative), decide that a Trial(s) will be held. The Selectors may invite any

Athlete they consider appropriate to participate in a Trial, as long as they are eligible under clause 3 of this Nomination Criteria. The nature and format of any Trial will be decided by the Selectors, in their discretion, in consultation with the Chair or authorised representative.

5.2 **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 an Athlete 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 Diving NZ 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) ability and willingness to prepare, commit and perform (to a Top 6 Games capable standard) as a synchronised/mixed synchronised diving partnership (for instance it would be considered unfair and unacceptable for one Athlete, to dissolve a synchronised/mixed synchronised diving partnership which has set a goal of being nominated, in order to solely focus on an individual Diving Event in respect of which the Athlete wishes to be nominated for.

5.3 **Ranking:** The Selectors shall, no later than 23 May 2022, examine the credentials of all Athletes for Diving Events. If there are more Athletes who meet the Over-riding Criteria set out in clause 5.1 than quota places available, then nomination will be decided by the Selectors having regard to the following factors:

- (a) The Athlete's (or group of Athletes') ranking alongside their Commonwealth counterparts as at 23 May 2022 in order to obtain a Commonwealth ranking list; then

- (b) ability to medal; then
- (c) performance results at the Key Events within the field of Commonwealth athletes at the Key Events; then
- (d) any other information the Selectors consider relevant.

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

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

- 7.2 **Nomination with Conditions:** Diving NZ 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.
- 7.4 **Reallocation:** In the event that further quota places are offered by the NZOC, Athletes who have met the Nomination Criteria set out in clause 4.1 but not nominated to the NZOC for a Diving Event at the initial Nomination Date, may be nominated on the Reallocation Date by the Selectors.

8. Appeal Procedure

- 8.1 **Non-Nomination Appeals:** An Athlete may appeal to Diving NZ against their non-nomination to the NZOC by the Diving NZ provided that the Athlete:
- (a) is on the Diving NZ 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 criteria 8.1 of this Criteria 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 that the Nominated Athlete:
- (a) is on the Diving NZ 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.

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 **Athlete** means a person who wishes to be considered for nomination to the Games Team.
- 11.3 **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.
- 11.4 **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.
- 11.5 **Board** means the Board of Diving NZ as constituted under the Constitution.
- 11.6 **CGF** means the Commonwealth Games Federation.
- 11.7 **Chair** means the Chair of Diving NZ and includes his / her nominee.
- 11.8 **Constitution** means the Constitution of Diving NZ.
- 11.9 **Diving NZ** means Diving New Zealand Incorporated.
- 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 Birmingham 2022 Commonwealth Games to be held in Birmingham, England between 28 July – 8 August 2022.
- 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 **Diving Event** means one of the following events at the Games:

Men's Event	Women's Event	Mixed Event
1m Springboard	1m Springboard	Synchronised 3m springboard
3m Springboard	3m Springboard	Synchronised 10m platform
10m Platform	10m Platform	
Synchronised 3m Springboard	Synchronised 3m Springboard	
Synchronised 10m Platform	Synchronised 10m Platform	

11.14 **FINA** means the international federation that oversees diving.

11.15 **Key Events** means an international, continental or national competition listed in clause 5.2(b).

11.16 **Nominated Athlete** means an Athlete who has been nominated by Diving NZ to the NZOC for consideration of selection to the Games Team.

11.17 **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**".

11.18 **Nomination Date** means on or before 24 May 2022 (and includes any alternative date as agreed between NZOC and Diving NZ by which Diving NZ must submit any Nominated Athletes to the NZOC.

11.19 **NZOC** means the New Zealand Olympic Committee Incorporated.

11.20 **NZOC Integrity Regulation** means the NZOC Integrity Regulation available at <http://www.olympic.org.nz/about-the-nzoc/governance-documents/>.

11.21 **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/>.

11.22 **NZOC Selection Policy** means the NZOC Selection Policy for the Games, available at <http://www.olympic.org.nz/assets/Uploads/Birmingham-2022-Selection-Policy-Final.pdf>.

11.23 **Over-Riding Nomination Criteria** means the criteria set out in clause 5.2.

11.24 **Qualification Period** means the period between 1 February 2021 and 23 May 2022.

11.25 **Reallocation Date** means on or before 3 June 2022 (and includes any alternative date as agreed between the NZOC and Diving NZ) by which Diving NZ must submit any further Nominated Athletes to the NZOC, should additional quota places become available to the NZOC.

- 11.26 **Reserve Athletes** means a travelling and/or non-travelling reserve, as designated by the Selectors.
- 11.27 **Specific Nomination Factors** means the factors listed in clause 5.2 which the Selectors may take into account when applying the Over-Riding Nomination Criteria.
- 11.28 **Selectors** means the selectors appointed by Diving NZ in accordance with clause 2 of this Nomination Criteria.