

## Nomination Criteria

### Birmingham Commonwealth Games (CGA)

#### 3x3 Basketball

Version 1 – 11 November 2021.

## 1 Definitions and Interpretation

### 1.1 Definitions

Unless otherwise defined below, capitalised terms in this Nomination Criteria have the meaning given to them in the CGA Team Nomination and Selection By-Law, certain of which have been reproduced below for the sake of convenience.

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

**CGA Team Nomination and Selection By-Law** means the document adopted by the Board which governs, among other things, the nomination and selection of Athletes to a team for a Commonwealth Games competition.

**CGA Selection Committee** means the committee established by CGA to send athletes and appoint officials to the Australian Commonwealth Games team for the Games.

**CGA Selection Criteria** means the criteria adopted by CGA in respect of the Games which outlines the requirements for an athlete to be selected by CGA to participate in the Games.

**Athlete** means a person who:

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

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

**Extenuating Circumstances** means:

- (c) injury or illness;
- (d) equipment failure;
- (e) travel delays;
- (f) 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; or
- (g) any other factors considered by the National Federation to constitute extenuating circumstances.

**Games** means 2022 Commonwealth Games and any relevant qualifying games.

**International Federation** means Fédération Internationale de Basketball (FIBA).

**National Federation** means Basketball Australia

**Nomination Date** means 6 July 2022

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

**Selection Panel and Appeals** means a nominated panel responsible to select the final team and any non-selected athlete can challenge their non-selection through a formal process.

**Sport** means 3x3 Basketball.

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

**Team** means the team of athletes and officials selected by CGA to participate in the Sport at the 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 personal representatives, successors and permitted assigns and substitutes; and
  - (iv) a party includes the party's executors, administrators, successors and permitted assigns 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 the board of 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 1st November 2021 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) the CGA.
- 2.5 The terms of CGA Team Nomination and Selection By-Law are incorporated by reference into this Nomination Criteria. The National Federation must provide, or otherwise make available, the CGA Team Nomination and Selection By-Law to all Athletes.

### **3 Long List**

- 3.1 For the purpose only of identifying prospective members of the Team, the National Federation or CGA may maintain a Long List of Athletes.
- 3.2 For the avoidance of doubt, membership of the National Federation's or the CGA's Long List does not increase decrease or otherwise affect an Athlete's prospects of being nominated by the National Federation, or being selected by CGA, to the Team.

### **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 has awarded CGA or the National Federation athlete quota positions.
- 4.2 A National Federation may not nominate more Athletes than are permitted to be nominated by CGA under the Qualification System.
- 4.3 The National Federation must nominate the maximum number of Athletes that are permissible under the Qualification System.

### **5 Eligibility Criteria**

The National Federation will not nominate an Athlete unless, as at the Nomination Date, the National Federation is satisfied on reasonable grounds that the Athlete:

- (a) has been an Australian Citizen;
- (b) is a member of the National Federation;
- (c) satisfies the Qualification System and is likely to satisfy the CGA Selection Criteria;
- (d) has a registered and confirmed 3x3 player profile on [play.fiba3x3.com](http://play.fiba3x3.com);
- (e) has not breached the CGA Anti-Doping By-Law, unless the Athlete has been sanctioned for the breach and has completed the sanction imposed;
- (f) not by their actions or omissions brought themselves, their NSO, CGA or the Team into disrepute or censure; and
- (g) 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;

### **6 Nomination Criteria**

- 6.1 The National Federation will nominate Athletes who, in the opinion of the National Federation, in its absolute discretion:
- (a) will be most likely to achieve the highest competitive results at the Games; and
  - (b) is, and will remain until the conclusion of the Games, a positive ambassador for the Sport, National Federation, and the Games.

- 6.2 In making its determination under clause 6.1 with respect to an Athlete, the National Federation may have regard to the following considerations, in its absolute discretion:
- (a) the Athlete's physical form and fitness;
  - (b) the likelihood that the Athlete will suffer an injury in the lead up to or during the Games;
  - (c) the benefit or detriment of the Athlete's membership on the Team with respect to team chemistry, team behaviour and team performance;
  - (d) the extent to which the Athlete has demonstrated, during the Qualification Period:
    - (i) discipline;
    - (ii) motivation; and
    - (iii) commitment to the Sport and to the Team.

6.3 The National Federation will not nominate more than one athlete born between 2004 – 2006.

6.4 All other athletes must have a birth date of 2003 or earlier.

## **7 Extenuating circumstances**

7.1 In determining whether an Athlete has satisfied the criteria set out in clause 6, the National Federation may, in its absolute discretion, have regard to Extenuating Circumstances.

## **8 Submission of Nominations**

8.1 The National Federation must notify Athletes of the Nomination Date in writing.

8.2 CGA may, in its absolute discretion extend the Nomination Date for the National Federation for any reason.

8.3 The National Federation must nominate Athletes to CGA by the Nomination Date. The National Federation must inform Athletes of their nomination or non-nomination by no later than:

- (a) 48 hours prior to the Nomination Date, where such written notice would be received by the Athlete 14 days prior to the Sport Entries Deadline; or
- (b) 24 hours prior to the Nomination Date, where such written notice would be received by the Athlete within 14 days of the Sport Entries Deadline,

or such later date as CGA advises the National Federation.

8.4 Nominations submitted to CGA must be in the form prescribed by the CGA or in a form that is otherwise acceptable to CGA and include any such information that is required pursuant to the CGA Team Nomination and Selection By-Law.

8.5 CGA may, in its absolute discretion, accept a nomination submitted after the Nomination Date where it is submitted by the National Federation as a result of an appeal brought in accordance with the CGA's team Nomination and Selection By-Law.

## **9 Selection Panel and Appeals**

- 9.1 The National Federation's Selection Panel will comprise of four persons that include the National 3X3 Program Lead, the Director of High-Performance Coach Development and Talent ID and two panel members one of which will be independent.
- 9.2 An Athlete who wishes to appeal against any decision of the Nomination Panel (or by Basketball Australia) to not nominate the Athlete to Commonwealth Games Australia for selection in the 2022 Australian Commonwealth Games Team may bring an appeal in accordance with this Nomination Criteria, and not otherwise.
- 9.3 An Athlete may appeal their non-nomination on one or more of the following grounds:
- 9.3.1 That in making the nomination decision, the Nomination Panel did not follow the procedure specified in clause 6.
- 9.3.2 That the Nomination Criteria was not properly applied by the Nomination Panel.
- 9.3.3 That the appellant Athlete was not afforded a reasonable opportunity by Basketball Australia to satisfy this Nomination Criteria and or there was no material on which the Nomination Panel's decision could reasonably be based.
- 9.3.4 That the Nomination Panel was affected by actual bias in making its decision in relation to the appellant Athlete.
- 9.4 Commonwealth Games Australia has agreed in principle to adopt the jurisdiction of the National Sports Tribunal in Commonwealth Games Australia's policies and procedures for disputes and appeals arising from nomination of athletes (including Athletes, as defined in this document) to the 2022 Australian Commonwealth Games Team.
- 9.5 Any appeal by an appellant athlete or by a National Sports team member will need to meet the provisions set out in the Commonwealth Games Australia Birmingham 2022 Nominations, Selection and Appeals By-Law dated 15<sup>th</sup> October 2021.
- 9.6 All nomination and selection appeals are to be conducted in accordance with the Commonwealth Games Australia Nominations and Selection By-Law (<https://commonwealthgames.com.au/about-commonwealth-games-australia/policies/>)

## **10 Amendments**

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

## **11 Governing Law**

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