

New Zealand Olympic Committee Incorporated Athletes' Commission Terms of Reference

1. PURPOSE

The Athletes Commission (AC) is established and maintained by the New Zealand Olympic Committee (NZOC) according to the NZOC constitution and the IOC Guidelines relating to Athletes' Commissions. The purpose of the AC is to champion the voice of the athlete within the New Zealand Olympic and Commonwealth Movements.

2. ROLE

The AC is a consultative body whose role is to advocate for New Zealand Olympic Committee Members Federation Athletes.

3. RESPONSIBILITY AND OBJECTIVES

The AC is responsible for:

- Ensuring the voice of the NZOC Member Federation athletes is heard within the NZ sporting system;
- Enhancing the mana of the athlete voice within the Olympic and Commonwealth movements;
- Ensuring athletes' viewpoint remains at the heart of the NZOC's decisions; and
- Developing athlete aspirations and pathways.

In this context, the AC may provide the NZOC Board the following on all matters within its scope:

- Offer or give advice;
- Offer an opinion;
- Make a recommendation;
- Consult; or
- Give information or notice.

The objectives of the AC are, without limitation, to:

- Promote NZ Team and Olympic values;
- Advocate for an effective athlete voice within NZOC Member federations and the NZ sports system;
- Seek recognition for the priority of Athlete welfare in the NZ sports system;
- Promote the performance and wellbeing needs of NZOC Member Federation athletes;

- Nominate representatives to sit on NZOC Board, NZOC Committees, NZOC Commissions, Sport NZ/HPSNZ working groups and other relevant external athlete organisations such as ONOC, CGF, WADA and the IOC;
- Create opportunities for athletes to engage in meaningful discussions on relevant current issues and opportunities;
- Develop and maintain links with athlete representative bodies, domestically and internationally;
- Increase the profile and impact of AC activities with athletes of NZOC Member Federations, with the NZOC and NZ sport;
- Develop recommendations for NZOC Board, IOC Athletes' Commission and other relevant organisations;
- Ensure athlete perspective is at the table in NZOC key decisions;
- Help support NZOC Member Federations to grow the athlete voice within their National Federations;
- Support and educate emerging athlete leaders through the Athlete Leadership Network and other relevant mechanisms;
- Support and encourage NZOC Member Federation athletes to pursue leadership opportunities in NZOC, in sport and internationally, such as the IOC, CGF and WADA; and
- Consult and encourage input from athletes on key issues and opportunities.

4. COMPOSITION OF THE AC

The AC will comprise a maximum of 10 and a minimum of 8 athletes, ensuring an appropriate skill mix and a balance in relation to gender, summer and winter Olympic sports, Commonwealth Games sports, team and individual sport athletes. The composition will be based on the following criteria:

- Up to 3 members elected at (or around) each Olympic Summer Games by the athletes who are members of the NZ Olympic Team competing at those Olympic Summer Games;
- Up to 2 members elected at (or around) each Olympic Winter Games by the athletes who are members of the NZ Olympic Team competing at those Olympic Winter Games;
- Up to 2 members elected at (or around) each Commonwealth Games by the athletes who are members of the NZ Commonwealth Games Team competing at those Commonwealth Games;
- Up to 3 members who may be appointed at any time by the NZOC CEO/NZOC Board (this will be done in consultation with AC Chair);
- A maximum of 2 athletes from any one sport;
- Not less than 3 athletes of any one gender;
- In the event of a member's resignation or a member being unable to carry out their duties as a member of the AC, that member may be replaced for the duration of the term. The AC Chair, in consultation with the NZOC CEO, may choose a replacement either from other athletes not elected at the previous election or by appointment until the end of the term.

The AC will also comprise of any member of the IOC Athletes Commission, the ONOC Athletes Commission and the CGF Athletes Advisory Commission provided that such member is domiciled in New Zealand or have New Zealand as their main centre of interest.

5. ELIGIBILITY

To be eligible for election or appointment to the AC an athlete must:

- Be at least 18 years of age;
- Be available and able to participate in meetings and accordingly, be domiciled in New Zealand;
- Not have been sanctioned for a doping offence in relation to the World Anti-Doping Code in their sporting career nor been in breach of their National Federation, International Federation, NZOC, IOC or CGF rules and regulations;
- *Either*: be a participant in the Summer Olympic Games, the Winter Olympic Games, or the Commonwealth Games during the year in which the election is held; *or* have participated in the last previous edition of such Games;
- Be able to demonstrate they have many of the following desirable skills, knowledge and experience to assist the AC fulfil its objectives and activities:
 - Clear written and/or verbal communication skills;
 - Highly developed interpersonal and relationship building skills;
 - The ability to connect and engage with active athletes;
 - Capable of working without direct supervision both individually and within a team environment;
 - Knowledge of and interest in the Olympic movement and NZ high performance sports culture;
 - Passionate about the development of the Olympic Values and athlete interests; and
 - Mature personality, able to handle confidential information and contrasting opinions.
- Be available to attend (either in person or online) a minimum of two meetings per year.
- As a condition of membership, upon election all AC members must sign an NZOC Code of Ethics.

6. ELECTION PROCESS

- All athletes participating as part of the relevant New Zealand Olympic or Commonwealth Games Team immediately prior to which the election is taking place, are eligible to vote.
- Athletes will be provided information on the election process by email no later than 30 days after the closing ceremony of the relevant Games.
- Any athlete wishing to stand will be sent these Terms of Reference, and a link to an online expression of interest form to complete.
- In the event, of a tie between candidates in any election, the athlete to be elected will be decided by the NZOC Board.

7. AC CHAIR ELECTION PROCESS

- Any athlete wishing to stand as AC Chair will be sent the relevant position description and a link to an expression of interest form to complete.
- The AC Chair is determined via a vote of by AC members (in consultation with the NZOC CEO).
- The AC Chair will be automatically considered to be the AC nomination to the NZOC Board pursuant to Rule 16.5.a. of the NZOC Constitution. The NZOC Board Appointments Panel will assess the nomination against the criteria set out in Rule 16.9 of the Constitution and advise the AC in writing as to whether the nomination is supported by the NZOC Board Appointments Panel. If the AC Chair is supported, then the AC will conduct a vote of its members to determine whether or not to appoint that person as the NZCO AC Board Representative
- Alternatively, if the BAP does not support the AC nomination or the AC does not elect the recommended person, then the process shall be repeated in respect of such position to seek to obtain a recommended person from the AC who is supported by the NZOC Board Appointments Panel and then subsequently elected by the AC.
- The AC Chair election process shall be held no less than six (6) months prior to the expiry of the existing AC Chair's term. From the date of AC Chair election date, the incumbent AC Chair will be considered the Deputy AC Chair until such time as the existing AC Chair's term expires. As Deputy AC Chair, he/she will undertake the duties set out in the Deputy AC Chair position description which will be made available to the Deputy AC Chair on appointment.

8. TERMS OF OFFICE

- Each athlete elected will hold office for four years, commencing the day after their election.
- Each elected athlete may hold office for a shorter or longer term than prescribed in this clause 8, if deemed necessary or beneficial by the NZOC Board.
- Any appointed person will hold office for a period of no more than four years from the date of their appointment.
- Each elected athlete and appointed person will hold office for a maximum of two consecutive terms, unless elected or appointed prior to 1 January 2018, where the maximum will be three consecutive terms.
- The Chair will hold office for four years and, if eligible, can serve a maximum of two terms.
- The Chair may hold office for a shorter or longer term than prescribed in this clause 8, if deemed necessary or beneficial by the NZOC Board.

9. RESIGNATION AND REMOVAL

A member of the AC:

- May resign from the AC at any time on written notice to the AC Chair; or
- Will have their appointment terminated by the NZOC Board on notice (either immediately or on such period of notice as the NZOC Board considers appropriate) prior to the end of their

term of office if the NZOC Board considers (after first hearing from the member) that the member:

- is unable or failing, without acceptable excuse, to fulfil the responsibilities and duties as an AC member, including but not limited to attending meetings or breaching the Code of Ethics. For the sake of clarity, if an AC member fails to attend a minimum of two meetings per year, his/her appointment will be automatically terminated;
- has a Conflict of Interest such that they are not capable of performing their responsibilities;
- is no longer eligible to hold office under clause 5; or
- is not acting, or has not acted, in the best interests of the NZOC, whether as a member of the AC or otherwise.

10. MEETINGS

- The AC Chair will ensure that minutes of all meetings and decisions of the AC are kept. These minutes and any other communications between the athletes shall be kept confidential to the Athletes Commission, the NZOC Board, the NZOC CEO and staff.
- The AC shall meet as and when required to undertake its role and objectives as set out in these Terms of Reference, but not less than three times a year.
- Meetings may be in person or conducted via teleconference or other means as the AC Chair thinks fit so long as the participants can hear each other simultaneously. In addition, the AC may exchange emails individually or collectively and enter into other communications with one another and/or collectively as part of their deliberations.
- The AC Chair will report the AC's recommendations, activities and findings to the NZOC CEO and the NZOC Board.
- The AC may have in attendance the NZOC CEO and/or other such persons including external advisers, as it considers necessary to provide appropriate information and advice.
- The AC Chair will chair meetings.
- Voting will be by majority, with the AC Chair having a casting vote if required.
- At least 5 members of the AC, one of which must be the AC Chair (or his/her nominated AC acting Chair), must participate in all meetings of the AC to constitute a quorum.
- If the AC Chair is unavailable for any reason, the AC Chair may nominate an AC member to act as AC Chair during the period of unavailability.

11. AUTHORITIES

- The AC does not have the power of authority to make a decision in the NZOC Board's name or on its behalf.
- The AC is authorised by the NZOC Board. At the expense of the NZOC, provided such expense is identified within the AC's agreed budget, to obtain such outside information and advice as it thinks necessary for carrying out its responsibilities.
- NZOC will provide assistance and resource to the AC for the furtherance of the AC's goals and activities.
- The AC will undertake an annual self-review of its objectives and responsibilities. Such objectives and responsibilities will also be reviewed by the NZOC Board and NZOC CEO annually.
- The AC and NZOC Board may review the Terms of Reference from time to time as per the

NZOC Policies and Procedures.

12. DUTIES OF MEMBERS

AC members have the following duties:

- to familiarise themselves, and agree with, these Terms of Reference and any other applicable rules, policies and reasonable directions of the NZOC including the NZOC Board;
- to participate in all meetings of the AC unless excused by the AC Chair;
- to contribute to the preparation of any reports, plans and other documents of the AC;
- not to communicate to the media or to or in any other public forum regarding matters related to the AC or the NZOC, without the prior approval of the NZOC.
- not to disclose information obtained by virtue of their position on the AC to any person except as permitted by the NZOC or by law; and
- at all times act in good faith and in the best interest of the NZOC and the AC strategy.

13. CONFLICTS

- If a member of the AC or the NZOC Board believes that a member of the AC has, or may have, a potential or actual conflict of interest to the NZOC CEO or the NZOC Board:
 - the member must disclose the nature of the potential or actual conflict of interest to the NZOC CEO or the NZOC Board; and
 - the member may not participate in any discussions, voting or decisions which may be affected by the conflict of interest, unless permitted to do so by the NZOC CEO or the NZOC Board.

14. REPRESENTATION

- The AC is entitled to have 2 delegates attend, speak and vote at the NZOC's General Assembly. Other AC members may attend as observers by arrangement with the NZOC CEO.
- The AC is represented on the NZOC Board pursuant to clause 6, who shall have the right to have a vote within the NZOC. In the event, an AC member is acting for the AC Chair in a period of unavailability, the AC member shall have no right to vote within the NZOC.

Approved by NZOC Board: 14 December 2023