

MEDIA RELEASE

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Sports Tribunal allows appeal against table tennis coach not nominated for Youth Olympic Games

The Sports Tribunal has allowed an appeal by Wayne Gear against a decision of Table Tennis New Zealand (TTNZ) nominating someone else as coach for table tennis players competing at the Youth Olympic Games.

The Sports Tribunal heard the matter under urgency and gave an oral decision at the end of the hearing. A written decision and reasons for the decision were issued soon after.

A TTNZ high performance team panel consisting of two members drew up an initial "long list" of candidates for the position of coach of the team competing at the Youth Olympic Games in Singapore in August. The panel members who drew up the long list of coaching candidates included themselves on this list but they did not include Mr Gear. They considered Mr Gear for the list but, for reasons relating to an earlier disciplinary matter where Mr Gear had received a reprimand only, decided not to include Mr Gear on the long list. One of the panel members was ultimately nominated by TTNZ selectors as the coach.

There is a principle of natural justice that a person cannot be a judge in their own cause. If that person is a party in the cause or has a financial or proprietary interest in the outcome, then that person is automatically disqualified. The Tribunal took the view on the facts that the two panel members who drew up the long list were acting as judges in their own cause and therefore their decision not to include Mr Gear on the long list should be set aside for this reason. The Tribunal therefore allowed Mr Gear's appeal.

The Tribunal referred back the matter back to TTNZ for determination in accordance with the appropriate selection criteria. The Tribunal emphasised that in allowing the appeal it was not indicating any preference between Mr Gear or the other coach that TTNZ had nominated. This was a matter for TTNZ when it reconsidered the nomination decision. The Tribunal noted that if TTNZ chose to re-nominate that coach, the Tribunal saw no reason why he should not be the coach.

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sporttribunal.org.nz). See *Wayne Gear v Table Tennis New Zealand* (ST 11/10). Copies of the decision can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sporttribunal.org.nz).