

MEDIA RELEASE 5 May 2015

Tribunal dismisses appeal against non-selection for NZ Canoe Racing team

Darryl Fitzgerald appealed against a decision of Canoe Racing New Zealand (CRNZ) to not send a men's K2 1000 team to the 2015 World Cup series regattas.

The Tribunal held an urgent hearing on the 29 April. Due to the short time frame before the New Zealand team left for the event, the Tribunal announced its decision at the conclusion of the hearing that the appeal was dismissed and that reasons for the decision would follow. The Tribunal provided reasons for its decision on 4 May 2015.

After conducting trials, CRNZ chose Mr Fitzgerald and another athlete (F) as the crew for a Men's K2 boat to compete in the upcoming World Cup Regatta. Mr Fitzgerald told CRNZ he would prefer to race with another paddler Q who hadn't been chosen in the team rather than F. CRNZ informed Mr Fitzgerald that the team chosen was himself and F, who were the top performers on the basis of the trial results, and asked him to confirm that he was prepared to be considered for New Zealand team selection paddling with F and would commit to training with F. There was correspondence between Mr Fitzgerald and CRNZ over a number of days concerning this. Mr Fitzgerald eventually replied that he confirmed his interest in being selected for the K2 but while there were appeals pending around the K2 selection he could not "confirm nor deny" his interest in being involved with the plan outlined by CRNZ until the appeals have been resolved.

Following this, after full consultation between the selectors, CEO and the CRNZ Board, the decision was taken by CRNZ to not send a Men's K2 1000 to the World Cup Regattas.

Mr Fitzgerald appealed that CRNZ hadn't properly followed /or implemented its selection policy; that there was no material on which the selection decision could be reasonably based and that natural justice was denied.

The Tribunal dismissed the appeal. The Tribunal found no evidence of lack of a reasonable opportunity to satisfy the requirements in the policy, unfairness or actual bias. The Tribunal stated it was not demonstrated that the policy had not been sensibly, sensitively and sympathetically followed. Rather than there being no material on which the decision of CRNZ could reasonably be based there was an available rationale for its position. There was a clear scenario which supported and justified the eventual decision taken after the ongoing and persistent stance of Mr Fitzgerald. On an independent and objective assessment of the acts and omissions over the critical days there was a solid foundation for the decision taken and no basis for the Tribunal to intervene.

The decision in this case is available from the website of the Sports Tribunal (www.sporttribunal.org.nz). See *Darryl Fitzgerald v New Zealand Olympic Committee* (ST 04/15). Copies 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).