

BETWEEN **MARTIN HUNT**
Appellant

AND **TARGET SHOOTING NEW ZEALAND**
Respondent

DECISION OF SPORTS TRIBUNAL
19 August 2015

Hearing: 18 August 2015 by telephone conference

Tribunal: Sir Bruce Robertson (Chairperson)
Ron Cheatley
Dr. Lynne Coleman

Present: Gavin Adlam, counsel for Appellant
Martin Hunt, Appellant
Eddie Adlam, Coach, in support of Appellant
Grant Taylor, Deputy President, Target Shooting
New Zealand
Peter Lissington, President, Target Shooting New
Zealand

Registrar: Brent Ellis

1. On 27 February 2015 the Appellant, Martin Hunt, had the top score in the final of the national ISSF men's 50m prone championship and anticipated receiving the winner's medal.
2. However, this was awarded to Ryan Taylor on the basis that the Target Shooting New Zealand ("TSNZ") Trophy Steward Guidelines provided for qualifying round scores to be added to the final scores and this approach prevailed over ISSF Rules on determining a winner.
3. As outlined in a Minute of the Tribunal of 27 July 2015 there was first an unsuccessful protest and then an appeal to the Executive of TSNZ which ruled against Mr Hunt. The appeal to us was filed. It is now accepted that these decisions were unsustainable because of breaches of the principles of natural justice. The parties have in the circumstances requested us to determine the dispute. This involves interpretation of applicable rules. Intentions, perceptions or genuinely held beliefs do not provide the answer.
4. The crux of the Appellant's case was summarised by his counsel:

The ISSF rules have been drafted with the intention that, where feasible, electronic targets would be used. This means that the scoring of shots and calculation of results can be done almost instantaneously by computerised equipment, and progress in the match followed immediately by an audience, through television or at the venue. With that in mind, the ISSF rules were amended in 2013 to provide for:

- (a) *A form of "elimination final", in which the eight top scorers from the qualification round participate in the final;*
- (b) *The eight shooters fire eight scoring shots, the scores and placings are calculated and the lowest scorer (eighth place) is eliminated and does not participate further;*

- (c) *As further scoring shots are fired, further competitors are eliminated after each bracket of two shots;*
- (d) *After 18 shots, only two competitors remain. They each fire the last two shots to determine first and second places.*

ISSF Technical Rule 6.17.1.5 (on page 294) provides:

"Qualification scores entitle an athlete to a place in the Finals, but do not carry forward. Finals scoring starts from zero in accordance with these rules."

That was the rule applicable at the time of the 2015 TSNZ competition. Previous ISSF rules had provided for finals in different formats, including during the period 1993 to 2012 for a 10 shot final, in which all finalists fired 10 shots and each competitor's final score was aggregated with the qualification score to determine the placings.

5. The position of TSNZ is that the award of medals is covered by "Guidelines for Inter-Island & National Outdoor Championships 2009 Presentations" under which it is argued that the applicable scores are those in the qualification rounds plus the final in conformity with the TSNZ's Trophy Stewards Book.
6. It is common ground that the TSNZ Constitution provides:

Any matters not covered shall be determined in compliance with the current ISSF rules.
7. The dispute revolves around whether there is a matter which is not covered which means the ISSF rules must be applied or whether there is an applicable domestic rule.
8. Our attention was drawn to the fact that the programme for the event which was submitted to the Executive of TSNZ for approval contained the words "Qualification + Final". We find that statement to be neutral and not of assistance in determining this

case. However the dispute is viewed there were qualification rounds followed by a final. The issue is what scores are considered on medal determination.

9. It is accepted that under Rules 3.13-10 and 3.13-11:

Medals shall be awarded by TSNZ for the NZ Championship ISSF events at the National Outdoor Championships.

How were the awards to be determined? It was for TSNZ to decide but there had to be a process which was robust, sensible and fair.

10. There is no serious dispute as to the critical matters. In 2013 ISSF introduced a new approach to the running of some events and the manner in which a winner was determined. The changes applied to the 50m Men's prone Championship. The timing was such that it could not influence the 2013 NZ Championships and the 2014 event was at a venue which lacked necessary facilities to even consider the new regime. However in 2015 the Championships in Christchurch were operated substantially in conformity with the new ISSF approach.
11. It appears that nobody specifically turned their mind to the basis on which the TSNZ medals would be awarded. When Mr Hunt won his final he assumed the medal would be his but instead it was awarded to another on the basis of an aggregating of all scores in the qualification rounds and in the final. This was done because it was said this "was in the Constitution and it was a TSNZ Rule".
12. In our judgement it makes no sense to adopt a new different and quite radical approach to the running of a competition but to continue to award medals on the basis of the discarded approach. Medals should identify those who have succeeded, and to maintain an award process divorced from the reality of what was occurring is odd. We were told in other events where the new approach was in operation, this mismatch emerged also, but as

the outcome was the same whichever method of calculation was adopted the proper approach did not have to be decided.

13. We consider that it was a natural and necessary corollary of the new approach to the event that the award of medals would reflect the change. However it is argued that there is an obstacle to that without a new regime being adopted by the remit process at a general meeting of TSNZ.
14. This is the submission that it was in the Constitution and a TSNZ rule. We can find nothing in the Constitution which bears on the issue. Further there is no evidence as to how or by whom the Steward Guidelines were created but we accept that they have been referred to since about 1999. That does not make them Rules. They were basically guidelines about the running of a Championship. At their highest they do not proclaim how a determination of a medal winner was to be made. In their 2009 form which was before us, the Guidelines reflected the operational approach at that time. They do not purport to create a regime which is an absolute. Even if they had, there would have to be evidence as to their being properly adopted as Rules. There is nothing of that sort before us.
15. We find nothing which was an impediment to the winner's medal being awarded to the winner of the contest as it was conducted in the real world. Common sense, fairness and transparency require no less. It would be wise and prudent for TSNZ to undertake an urgent reappraisal of all rules, guidelines and protocols so there is not the possibility of this sort of very unfortunate circumstances arising in the future.
16. Having been requested to do so by TSNZ, we find that the 2015 National ISSF Men's 50m prone champion was Martin Hunt and he is the recipient of the Winner's medal.

Dated 19 August 2015

A handwritten signature in black ink, appearing to read 'Bruce Robertson', written in a cursive style.

.....
Sir Bruce Robertson
Chairperson