

**BEFORE THE SPORTS TRIBUNAL
OF NEW ZEALAND**

ST 13/10

BETWEEN GARTH SHILLITO

Appellant

AND FENCING NEW ZEALAND ("FNZ")

Respondent

DECISION OF TRIBUNAL (REASONS TO FOLLOW)

Dated 1 SEPTEMBER 2010

Tribunal: Nicholas Davidson QC (Deputy Chairperson)
Ron Cheatley
Dr Lynne Coleman

Hearing: By teleconference at 5.30pm 31 August 2010

Present: Garth Shillito
Laura Harvey, President Fencing North in
support of Garth Shillito
Ken Claridge, President FNZ
Fiona McDonald, Secretary FNZ
Mark Rance, Selector FNZ
Luke Robertson as representative of selected
fencers

Registrar: Brent Ellis

DECISION OF TRIBUNAL WITHOUT REASONS

1. The Tribunal heard this appeal by teleconference on Tuesday 31 August 2010.
2. There is urgency about this matter and for that reason the Tribunal is issuing this formal Decision. It does so that the parties are informed at the earliest opportunity.
3. The Decision of the Tribunal is that the appeal is dismissed.
4. The reasons for the Decision will follow in the next few days. In the meantime the Tribunal records its appreciation of the clarity of the case made by the appellant and the response from FNZ, and the way this appeal was conducted. It had the potential for a great deal of factual contest, but the parties conducted themselves with respect for a proper and urgent process.
5. In the reasons for the decision to follow, the Tribunal will be making comment about selection processes, within FNZ, and communication with athletes. The appellant has raised issues of significance.

Dated this 1st day of September 2010



Nicholas Davidson QC
Deputy Chairperson (for the Tribunal)