

MEDIA RELEASE

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Sports Tribunal dismisses appeal by shooter against non-nomination for Olympics

Richard Hearn has unsuccessfully appealed to the Sports Tribunal against a decision by the New Zealand Shooting Federation (NZSF) not to nominate him for the 2008 Beijing Olympics.

Mr Hearn met the qualifying standard for Olympic selection for the men's prone event. However, NZSF held only one quota for that event and another shooter, Robbie Eastham, scored narrowly higher than Mr Hearn in that event and was nominated instead. Mr Hearn did not challenge Mr Eastham's nomination.

The International Shooting Sports Federation (ISSF) allows a national federation to transfer a quota place held for one event to another event. NZSF had six quota spots but did not have a nominee who satisfied Olympic selection criteria in three of those events. ISSF allowed NZSF to transfer only one of the unused quotas to another event.

NZSF decided to transfer the unused quota to the men's air pistol event and nominated air pistol competitor Yang Wang for selection to the Olympics. While Mr Hearn and Mr Wang both qualified to represent New Zealand in the Olympics and NZSF would have liked to have nominated both of them, there was only one quota place available as a result of the ISSF's decision to allow only one unused quota to be transferred. Therefore only one competitor could be nominated.

Mr Hearn challenged the transfer of the quota to the air pistol event and the nomination of Mr Wang and appealed he should have been nominated instead in the prone event.

The ultimate issue came down to interpretation of the NZSF quota reallocation criteria. This included interpreting the meaning of "designated matches" and determining which of a number of shooting events were the "designated" matches to be taken into account in working out which shooter had performed better and therefore should be nominated for the one available quota space.

Mr Hearn argued that the results should be determined on the basis of their highest match scores over the entire series of qualification events between January 2007 and March 2008. If this was the case, then he had done better than Mr Wang. NZSF disagreed and said the relevant scores should be based on the results of only three ranking events held in February and March of 2008. If only those results were considered, Mr Wang had performed better.

The Tribunal expressed considerable sympathy for Mr Hearn and noted that there was ambiguity in the criteria. However, the Tribunal decided on an objective interpretation of the criteria (including comparison with criteria for the 2004 Olympics) that it was the three ranking events that were to be considered and not the entire series of events. On the basis of these

three events Mr Wang had the better performance. The Tribunal therefore dismissed the appeal.

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sportstribunal.org.nz). See *Richard Hearn v New Zealand Shooting Federation* (ST 08/08). 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@sportstribunal.org.nz).