

**MEDIA RELEASE**

**23 August 2006**

**Tribunal issues decision in surfing selection appeal**

In April the Tribunal dismissed an appeal by Daisy Thomas, against her non-selection for a New Zealand team competing in the World Junior Surfing Championships, in an interim decision. While the Tribunal found there had been some deficiencies in Surfing New Zealand's processes, these were not sufficient to set aside the selection decision.

Ms. Thomas also sought, as part of her appeal, that the Tribunal make recommendations to Surfing New Zealand in relation to revising their team selection policy and reviewing their communication procedures with potential New Zealand representatives. The Tribunal adjourned this part of the appeal to allow the parties to make further submissions.

Surfing New Zealand freely acknowledged that there had been some deficiencies in its procedures and that it was reviewing its procedures and policies in line with issues identified by the Tribunal at the Hearing and in the Tribunal's interim decision. In light of this, and the detailed submissions provided by Ms. Thomas' legal counsel, the Tribunal provided some limited general observations and recommendations about these matters, in particular it referred to the selection criteria which are based on "*subjective*" assessments. The Tribunal was not prepared to make specific recommendations as to the form of Surfing New Zealand's Rules, Policies and Criteria.

Although Ms. Thomas's appeal against non-selection was not successful, her appeal was properly and fairly mounted and had driven Surfing New Zealand to make changes to inadequacies in its processes and rules that were identified during the appeal. While costs on an unsuccessful appeal will seldom be awarded, this appeal had merit and has had beneficial consequences within Surfing New Zealand. The Tribunal considered it was appropriate to make a small costs award in her favour.

Copies of the decision can be obtained from Brent Ellis, Registrar, Sports Disputes Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: [info@sportstribunal.org.nz](mailto:info@sportstribunal.org.nz)). Please request *Daisy Thomas v Surfing New Zealand* (SDT 09/06). The decision will also soon be made available for download from the website of the Sports Disputes Tribunal ([www.sportstribunal.org.nz](http://www.sportstribunal.org.nz)).