

MEDIA RELEASE

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Sports Disputes Tribunal dismisses appeal

The Sports Disputes Tribunal has dismissed an appeal by Melony Wealleans against a decision of Basketball New Zealand (BBNZ), as the appeal was made to the Tribunal too late. While the Tribunal had power to extend the time, it was not prepared to do so because Ms Wealleans did not have valid grounds to bring the appeal.

Background

Ms Wealleans is a national league basketball referee. She appealed against a decision of BBNZ not to select her for the 2007 FIBA Candidates' Camp, which is a clinic for aspiring international referees. BBNZ argued that there was no right of appeal to the Tribunal on such a matter.

The Tribunal's conclusions

The Tribunal concluded that there was a right of appeal, under BBNZ's constitution, against a decision not to select Ms Wealleans for the referees' clinic and that the Tribunal would have jurisdiction to hear such an appeal if it was brought in time. However, Ms Wealleans did not bring her appeal within the specified time limit.

The Tribunal would have been prepared to extend the time limit provided her grounds for appeal fell within the specified grounds for such appeals. These grounds included that BBNZ had committed a breach of natural justice, such as actual bias, or that BBNZ had acted outside its powers. However, challenging a decision on its merits alone was not sufficient to fall within these grounds.

Although Ms Wealleans claimed there had been bias and a breach of natural justice, the Tribunal concluded that Ms Wealleans was really challenging the decision on its merits and was unable to show a breach of natural justice.

Therefore, the Tribunal declined to extend the time limit and dismissed the appeal. The Tribunal noted that BBNZ was not obliged to give reasons for decisions such as these.

There are two written decisions in this case. Both are available from the website of the Sports Disputes Tribunal (www.sportstribunal.org.nz). See *Melony Wealleans v Basketball New Zealand* (ST 01/07). Copies of the decisions can also be obtained directly from Brent Ellis, Registrar, Sports Disputes Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sportstribunal.org.nz).