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Sports Tribunal dismisses appeal against non-nomination for 2014 Commonwealth Games judo team

Joy Williams appealed to the Sports Tribunal against a decision by Judo New Zealand (JNZ) not to nominate her for the 2014 Commonwealth Games. The Sports Tribunal heard the appeal urgently and issued its decision dismissing the appeal the next day.

Ms Williams appealed on a number of grounds including that: JNZ didn't properly follow or implement the nomination criteria; she wasn't given a reasonable opportunity by JNZ to satisfy the criteria; and there was no material on which the decision could reasonably be based.

The crucial test JNZ selectors had to decide under the criteria was her capability of achieving a top six finish and whether her track record was of sufficient quality and depth to demonstrate that she will be competitive and perform credibly at the Games. The selectors decided she didn't meet these criteria.

She complained that the selectors put too much emphasis on the strength and quality of her opponents in various contests leading up to the Games and the importance of this hadn't been properly communicated to her when she decided which competitions to enter. However, the Tribunal considered it was open to the selectors to consider the strength and quality of opposition as an important factor in determining the competitiveness of a candidate. It was part of the total package of factors the selectors had weighed but it was not predominant. While the Tribunal wasn't unsympathetic to the argument that athletes need to know what is expected and required of them, the Tribunal considered it had been sufficiently signalled to Ms Williams in correspondence with JNZ officials in January that the quality of her opponents in head to head results would be taken into account.

The Tribunal also rejected that Ms Williams was treated differently to another athlete who had been nominated. That athlete's record and history was significantly different and there were extenuating circumstances in that case which didn't exist in her case. Another issue raised was that the selectors relied upon incomplete information containing errors but the Tribunal was satisfied the selectors had all the relevant information available to them and she hadn't been disadvantaged.

The Tribunal wasn't satisfied that there was any fundamental failure in the process or that the selectors didn't have available to them all relevant information necessary to make their decision or that the decision reached wasn't reasonably available to the selectors on the evidence. The Tribunal therefore dismissed the appeal.

The decision in this case is available for download from the website of the Sports Tribunal (www.sportstribunal.org.nz). See *Joy Williams v Judo New Zealand* (ST 07/14). Copies 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).