

BETWEEN **NEW ZEALAND RODEO AND COWBOYS ASSOCIATION**

 First Party

AND **MATIU AND REO LANIGAN**

 Second Party

**DECISION OF SPORTS TRIBUNAL
DATED 17 July 2015**

Hearing: 15 July 2015 by teleconference

Tribunal: Alan Galbraith QC (Chair)
 Dr Lynne Coleman
 Ron Cheatley

Present: Richard Smith and Nic Popham, counsel for the Association
 Marty Deans and Dave Marshall, representing the Association
 Penni Eagle, counsel for Mr and Mrs Lanigan
 Matiu and Reo Lanigan

Registrar: Brent Ellis

1. This is a case where a question has arisen between the parties as to the effect of the Association's rules on qualification for the award of All Round Rookie of the Year. It is to the credit of both parties that they have responsibly agreed to have this question referred to, and determined by, the Sports Tribunal. It is also to the credit of both parties that the issue has been dealt with between the parties and before the Tribunal as an issue of principled interpretation. The Association has readily accepted, throughout the dealings over this issue, the talent and achievements which Mr Klay Lanigan (who is Mr and Mrs Lanigan's son) has brought to the sport of rodeo.
2. The issue arises because Rule 14.14.1 provides:

"The only contestant eligible for this award shall be a Second Division contestant at the start of the season."
3. Events in Rodeo are divided into two categories – Open events and Second Division events. Within each category there are a number of individual events, eg bareback, rope and tie, saddle bronc etc.
4. The transition from Second Division to Open is described in rodeo as "breaking Open". What this means is that a contestant has accumulated a certain dollar value of prizemoney or points in a Second Division event that then reclassifies the contestant as an Open contestant, i.e. they have broken into Open.
5. As the Tribunal understands the position, for a long time a Second Division contestant who broke Open in any one event became an Open contestant in all events. However, in 2004 the Association membership, on the recommendation of the Board, passed a remit at the AGM to adopt the system of breaking Open for individual events. That meant that a Second Division contestant might exceed the dollars or points in, say, bareback, and therefore break Open in that event, but still be a Second Division contestant in all other events. The underlying purpose for the change was to ensure that a person graduating from Second Division to Open was competent to compete in Open class in each particular Open event.
6. Accordingly before the remit was approved at the 2004 AGM a Second Division contestant who exceeded the dollar value or points and broke Open in any one event would not have been eligible for the All Round Rookie of the Year Award in the succeeding season because they would have been classified as an Open contestant in all events at the beginning of the next year. The possibility which the remit raised was that a Second Division contestant who broke Open in, say,

one or two events in the course of a year would start the next year still able to compete as a Second Division contestant in the remaining Second Division events.

7. This was the position that Klay Lanigan was in in both of the last two seasons. He had broken Open in two events but was still eligible to compete as a Second Division contestant at the beginning of each of those two seasons in the remaining Second Division events. The interpretation urged by Ms Eagle on behalf of Mr and Mrs Lanigan was that Klay Lanigan, as a Second Division contestant at the start of the season and able to compete in a number of Second Division events albeit he was an Open contestant in two events, remained qualified for All Round Rookie of the Year.
8. In fact this potential issue had been dealt with at the 2004 AGM when the remit included a provision that: "*The only contestants eligible for this award shall be Second Division Cardholders at the start of the season.*"
9. Unfortunately that provision, which was passed at the 2004 AGM, was not translated into the published rules although, as the Tribunal understands it, it was published at the time in the Association's newsletter.
10. The Tribunal understands that for prospective contestants there are the two cardholding statuses of Open and Second Division. Where a Second Division contestant has broken through to Open in any one event during a year that Second Division contestant will be an Open cardholder for the following season and pay the higher membership fee. The Tribunal also understands that on the annual membership application form there is a box in which the applicant indicates by a tick that he or she is applying for membership as an Open or Second Division cardholder for the coming season. We understand that Klay Lanigan correctly identified himself for the relevant season as an Open cardholder.
11. Accordingly had the 2004 remit been reproduced in the Rules in the form in which it was passed by the AGM there could have been no suggestion that Klay Lanigan qualified for the award of All Round Rookie of the Year. He was an Open cardholder at the beginning of the season. The interpretation which has been suggested is because of the reference to "Second Division contestant" in Rule 14.14.1 which, as discussed above, Klay Lanigan was in respect of some Second Division events in the relevant season.
12. For Mr and Mrs Lanigan it was submitted that they, and Klay, had relied upon the published rules and the terms of Rule 14.14.1 in the endeavours and expense

which they and Klay had undertaken during the past season and were entitled to hold the Association to the terms of that published rule. For the Association it was said that the 2004 remit had been validly passed in terms of Rule 15.1 and ratified in terms of Rule 15.3. The failure to include the Rule in the subsequently published Rules book was regretted by the Association but submitted not to affect the validity of the Rule.

13. It was also said on behalf of the Association that the Rule had been applied in the manner expressed by the remit since 2004 including when another Open/Second Division contestant, Johnson Davis, had questioned its validity in 2014.
14. On the face of the published Rules the argument which was ably made by Ms Eagle on behalf of Mr and Mrs Lanigan is open although not necessarily decisive. If Rule 14.14.1 stood on its own there would be arguments both ways as to how it should be interpreted to apply. Certainly, as was submitted for the Association, there could be incongruity in a contestant who held Open status in a majority of Open events nonetheless winning All Round Rookie of the Year.
15. In the Tribunal's view it is not necessary to grapple with the conflicting arguments because on the face of the material provided to the Tribunal a valid remit was passed and subsequently ratified which limited participation in the All Round Rookie of the Year award to a contestant holding a Second Division card. The fact that the remit was not accurately published in 2012 does not affect the validity of the rule.
16. The Tribunal appreciates the concern expressed on behalf of Mr and Mrs Lanigan that their family entered into the rodeo world some years after the publication of the 2004 remit in the Association's newsletters and accordingly did not have notice of the remit and were entitled to rely upon the published 2012 Rules. There was some considerable discussion before the Tribunal as to whether or not Mr and Mrs Lanigan knew of the Association's actual application of the 2004 remit and the response in the Johnson Davis situation.
17. The Tribunal does not have to make a determination on that issue given its view that the 2004 remit was appropriately passed, subsequently ratified, and accordingly a valid and applicable rule as it had in fact been applied by the Association over the succeeding years. Accordingly, in the Tribunal's determination, Klay Lanigan did not qualify for the Award.

18. In passing the Tribunal would note that it would obviously be desirable for the published Rules to be checked and corrected for this and any other omission and possibly for the introduction of specific definitions of Open and Second Division cards and cardholders.

DATED 17 July 2015

A handwritten signature in blue ink, consisting of a large, stylized initial 'A' followed by a long, horizontal, slightly wavy line.

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Alan Galbraith QC