

**BETWEEN            MONIQUE DELL**

**Appellant**

**AND                 NEW ZEALAND OLYMPIC COMMITTEE**

**Respondent**

**AND                 ATHLETICS NEW ZEALAND**

**Interested Party**

**AND                 KRISTIE BAILLIE**

**Interested Party**

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**DECISION OF SPORTS TRIBUNAL  
DATED 18 JULY 2014**

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**Hearing:**            By telephone conference on 18 July 2014

**Tribunal:**           Alan Galbraith QC (Deputy Chairperson)  
Ron Cheatley  
Rob Hart

**Present:**           Graeme Dell, representing Monique Dell  
John Rooney, counsel for New Zealand Olympic Committee  
Simon Wickham, New Zealand Olympic Committee  
Tara Pryor, New Zealand Olympic Committee  
Paul David QC, counsel for Athletics New Zealand  
Shaun Maloney, counsel assisting Paul David QC  
Linda Hamersley, Athletics New Zealand  
Graham Seatter, Athletics New Zealand  
John Wiltshire, counsel for Kristie Baillie  
Kelly Diprose, representing Kristie Baillie

**Registrar:**         Brent Ellis

1. On 18 July 2014, the Tribunal held a telephone conference hearing to determine an appeal by Monique Dell against her non selection for the women's 4x400 relay team for the 2014 Commonwealth Games. The hearing was conducted as a matter of urgency because of the commencement of the Games on 23 July.
2. The Tribunal was provided with evidence and submissions from the parties before the hearing. At the hearing, the Tribunal heard submissions from Mr Dell, Mr Rooney, Mr David QC and Mr Wiltshire and evidence from Mr Wickham and Mr Seatter. Issues were raised in the appeal both as to jurisdiction and the substance of the New Zealand Olympic Committee decision in the context of policy and selection criteria.
3. The Tribunal has reached a determination in respect to the appeal. Mr Dell, on behalf of the appellant, asked that the release of any determination by the Tribunal be delayed until 21 July. The Tribunal has decided that it is preferable to advise the outcome of the appeal immediately so that the affected athletes and involved parties are relieved of ongoing uncertainty.

### **Decision**

4. The Tribunal's determination is that the appeal has not succeeded.
5. Written reasons for the decision will be provided as soon as practicable, which we expect will be early next week. In the meantime the Tribunal will not be making any media release.
6. The Tribunal requests that the decision be kept confidential to the parties (except for those persons who need to be informed such as other athletes in the relay team and coaches etc.) until the Tribunal releases its reasons for the decision.

**DATED** 18 July 2014



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A R Galbraith QC  
(Deputy) Chair