

**BEFORE THE SPORTS DISPUTES TRIBUNAL OF NEW ZEALAND**

**SDT 12/05**

**BETWEEN**

**NICOLO RIOSA**

**Appellant**

**AND**

**CANOE RACING NEW ZEALAND**

**Respondent**

**Representation:**

N Riosa in person  
D Mackinnon and K Marshall for Respondent

**Date of Hearing:**

9 October 2005

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**DECISION OF TRIBUNAL**

**10<sup>th</sup> day of October 2005**

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**Tribunal Members Participating:**

Hon Barry Paterson, QC (Chairman),  
Kit Toogood QC  
Adrienne Greenwood

**Registrar:**

Brent Ellis

1. Mr Riosa has appealed his non-selection in the New Zealand Men's Open K1 Marathon team to compete at the International Canoe Federation Marathon Championships scheduled for 15 October 2005 in Perth, Australia. Canoe Racing New Zealand ("CRNZ") has challenged this Tribunal's jurisdiction to determine the matter.
2. A hearing of both the jurisdictional challenge and the substantive matter was conducted by telephone conference on 9 October 2005. Mr Riosa was at that stage in Perth. Mr S Ferguson participated as an interested party, he being the team member who would lose his position if Mr Riosa succeeds.
3. The Tribunal agreed to release its decision today with full reasons following as soon as possible. The reasons will not be available before the Perth event.
4. The Tribunal has determined and so orders:
  - (a) That it has jurisdiction to consider Mr Riosa's appeal.
  - (b) Mr Riosa has not established that CRNZ erred on one or more of the grounds set out in Rule 12.1.3 of the Tribunal's rules and accordingly his appeal is dismissed.

  
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Hon B J Paterson QC (Chairman)

**10<sup>th</sup> October 2005**