

## **MEDIA RELEASE**

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### **Tribunal declines to hear an appeal made out of time**

The Sports Disputes Tribunal has held it has no jurisdiction to hear an appeal by Binbin Zhu against a decision of Table Tennis New Zealand, as the appeal was made to the Tribunal too late.

#### **Background**

Binbin Zhu unsuccessfully applied for a Prime Minister's Athlete Scholarship for 2006. These scholarships provide financial assistance to allow elite athletes study for tertiary and vocational qualifications while pursuing excellence in sport. The New Zealand Academy of Sport (the Academy) allocated five of these scholarships to Table Tennis New Zealand (TTNZ). TTNZ nominated five players in December 2005. Mr Zhu was not one of these five players. The Academy awarded the five scholarships to the players nominated by TTNZ.

Between December 2005 and May 2006, there was considerable correspondence between Mr Zhu's father and TTNZ over whether Mr Zhu should have been nominated by TTNZ for a scholarship. In May 2006, TTNZ wrote to Mr Zhu advising that they considered the matter closed.

Mr Zhu then appealed to the Tribunal against TTNZ's decision not to nominate him for one of the five scholarships. TTNZ challenged the Tribunal's jurisdiction to hear the appeal.

#### **The Tribunal's conclusions**

The Tribunal considered that there was a right of appeal, under TTNZ's constitution, against a decision not to nominate Mr Zhu for a scholarship and that the Tribunal would have jurisdiction to hear such an appeal if it was brought in time. However, TTNZ's constitution has a rule requiring that appeals be filed to the Tribunal within 28 days of the decision of the Board of TTNZ.

The decision not to nominate Mr Zhu for a scholarship was made in December 2005 and Mr Zhu was also notified in December that he had not been awarded a scholarship.

The 28 day time limit for Mr Zhu to appeal the decision to the Tribunal, under TTNZ's rules, expired in January 2006. The Tribunal cannot extend that time period. Mr Zhu did not appeal to the Tribunal until May 2006.

The Tribunal therefore had no jurisdiction to hear the matter and dismissed the appeal.

Copies of the decision can be obtained from Brent Ellis, Registrar, Sports Disputes Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: [info@sportstribunal.org.nz](mailto:info@sportstribunal.org.nz)). Please request *Binbin Zhu v Table Tennis New Zealand* (SDT 15/06). The decision will also soon be made available for download from the website of the Sports Disputes Tribunal ([www.sportstribunal.org.nz](http://www.sportstribunal.org.nz))