

**BETWEEN**                      **LUKAS WALTON-KEIM**

**Appellant**

**AND**                              **YACHTING NEW ZEALAND**

**Respondent**

**AND**                              **NEW ZEALAND OLYMPIC COMMITTEE**

**Interested Party**

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**DECISION OF SPORTS TRIBUNAL  
29 May 2024**

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**Hearing**                      27 May 2024 in-person

**Present**                      William McCartney, counsel for Appellant  
Lukas Walton-Keim, Appellant (remote attendance)  
John Rooney and Matthew Austin, counsel for Respondent  
David Abercrombie, CE Yachting New Zealand, Respondent  
Tara Pryor, NZOC

**Tribunal**                      Warwick Smith, Acting Chair  
Ruth Aitken DNZM  
Pippa Hayward

**Registrar**                      Helen Gould

1. Mr Walton-Keim (the Appellant) filed an urgent appeal against the decision of Yachting New Zealand (the respondent) not to nominate him for selection to the New Zealand Olympic Team.
2. The issue for determination was whether YNZ had properly followed and/or implemented the criteria from its 2024 Paris Olympic Games Nomination Criteria.
3. An in-person hearing was held in Auckland on 27 May 2024 under urgency.
4. Tara Pryor for NZOC confirmed World Sailing has extended the date for NZOC to confirm its final quota from 31 May 2024 to 5 June 2024.
5. The Tribunal hearing panel undertook to provide the parties with a result decision within two days of the hearing to allow time for potential review of the nomination decision and for NZOC to confirm final quota places.

## **Decision**

6. Having assessed the evidence and the oral submission of all parties, the Tribunal concludes that the applicable nomination policy was properly followed and/or implemented by YNZ, except to the extent there were one or more errors of fact<sup>1</sup> which may have affected the nomination decision.
7. The Tribunal therefore upholds the appeal and refers the question of nomination back to YNZ for determination using the correct facts in relation to the quality of the field at the second selection regatta, the 2023 European Championships (the quality of that field being a matter that the selectors were and are entitled to have regard to in their consideration of the Secondary Objective at clause 4.2 of the YNZ nomination criteria).
8. Written reasons for the decision will be provided as soon as practicable.

Dated: 29 May 2024



**Warwick Smith**  
**Acting Chair**

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<sup>1</sup> Including the matters referred to by the Appellant at paragraph 2 a (i) and (iii) of his Reply statement of evidence, concerning the quality of the field at the second selection regatta, the 2023 European Championships.