

BETWEEN	VINCENT DALZELL Appellant
AND	JUDO NEW ZEALAND Respondent
AND	MATTHEW SEXTON Interested Party
AND	MATTHEW ROWLEY Interested Party

RESULTS DECISION OF SPORTS TRIBUNAL
12 October 2025

Hearing	10 October 2025 – virtual by Microsoft Teams
Present	Andrew McCormick & Patrick Brand, counsel for Appellant Vincent Dalzell, Appellant Zane Lightfoot & Craig Bartlett for Respondent (Judo NZ) Matthew Sexton (Interested Party) Matthew Rowley (Interested Party)
Tribunal	Warwick Smith (Acting Chair) Andrea Twaddle (Deputy Chair) Ruth Aitken
Registrar	Luke Macris

1. Vincent Dalzell (the Appellant) filed an urgent appeal against the decision of Judo New Zealand (the Respondent / Judo NZ) not to select him to attend the Oceania Open Gold Coast 2025 on 1 & 2 November 2025, as part of his preparation and attempt to meet nomination criteria for the Glasgow Commonwealth Games 2026.
2. Mr Dalzell was one of three Judoka athletes competing for two spots in the u100 kg category available to New Zealand to attend the Oceania Open Gold Coast 2025, along with Matthew Sexton and Matthew Rowley. Judo NZ selected Mr Sexton as the first selection, Mr Rowley as the second selection, and Mr Dalzell as the reserve. Mr Dalzell subsequently appealed that decision.
3. The issue for determination was whether:
 - a. Judo NZ had properly followed and/or implemented the selection criteria from the *By-Laws of the New Zealand Judo Federation Inc* (By-Laws).
4. A hearing was held by the Tribunal on 10 October 2025 under urgency, after the Tribunal directed a compressed timeframe for filing of evidence and submissions. That is because Judo NZ need to register those two athletes that are selected for the event by 15 October 2025.
5. The Tribunal issues this Result Decision given the urgency of the registration deadline and will later issue a Reasons Decision explaining its reasoning.

Decision

6. The appeal is upheld, and the questions of eligibility and selection are referred back to Judo NZ for determination in accordance with the Reasons given in this Result Decision and the Guidance set out below.
7. Any claims for costs by any party will be considered after the Tribunal gives its full reasons for this decision. The parties (including the Interested Parties) will be given an opportunity to make any submissions they may wish to make on costs at that time. In the meantime, all issues of costs are reserved.

Brief Reasons for the decision

8. None of the athletes competing for selection in the u100 kg category for the Oceania Open Gold Coast 2025 event (the Gold Coast event) satisfied the eligibility criteria set

out in clauses 2.7.5.A.(b) and 2.7.6.A.(a) of the “National and International Teams - Player Selection” section of the Judo NZ Bylaws (the Bylaw). Specifically:

- a. Mr. Dalzell did not have four podium finishes in the class, in the 12 months prior to the selection, in the events listed in clause 2.7.5.A.(b) of the Bylaw;
 - b. Mr. Sexton did not have four podium finishes in the class, in the 12 months prior to the selection, in the events listed in clause 2.7.5.A.(b) of the Bylaw;
 - c. Mr. Rowley did not have four podium finishes in the class, in the 12 months prior to the selection, in the events listed in clause 2.7.5.A.(b) of the Bylaw and did not have points in the class as required by clause 2.7.6.A.(a).(v) of the Bylaw.
9. The selectors erred by purporting to apply the overriding discretion in clause 2.7.6.A.(c) of the Bylaw to reach their decision that each of the athletes was eligible to compete in the Gold Coast event. The overriding discretion in clause 2.7.6.A.(c) is available in respect of selection determinations, not eligibility determinations. The only discretion available to Judo NZ in making eligibility determinations is that provided for in clause 2.7.6.B of the Bylaw, and that discretion could only be exercised with the approval of the President of Judo NZ.
 10. While the President of Judo NZ happened to be a member of the selection panel that considered the selection of the three athletes in this case, no consideration was given by the selectors to the possible exercise of the discretion available under clause 2.7.6.B, and there is no evidence that the President of Judo NZ separately considered clause 2.7.6.B or gave any approval under that clause.
 11. Under clause 2.7.5.A.(d), selections could only be made from the eligible pool of Judoka. As none of those considered for selection in the u100 kg class for the Gold Coast event met the relevant eligibility criteria, the selection decisions made by the selectors cannot stand. The matter is accordingly referred back to Judo NZ to make a fresh determination on the eligibility of each of the three athletes, taking into consideration the possible exercise of the discretion conferred on selectors and the President under clause 2.7.6.B of the Bylaw. If following that reconsideration any of the three athletes is found to be eligible for selection, the selectors are to reconsider whether that athlete should be selected for the Gold Coast event, taking into account all relevant selection criteria (including the criteria listed at clause 2.7.5.A.(b) and any of the clause 2.7.6.A.(c) discretionary factors the selectors may consider relevant).

12. The Tribunal accepts Mr. Dalzell's submission that any exercise of the discretion under clause 2.7.6.B cannot be totally unfettered. Judo NZ is directed to take into account in any exercise of that discretion the factors in the Guidance section of this Result decision.

Guidance to Judo NZ on the exercise of the discretion under clause 2.7.6.B

13. The Tribunal gives the following guidance for any exercise of the discretion under clause 2.7.6.B:
- (i) In exercising any discretion under clause 2.7.6.B, the selectors and the President must give *bona fide* consideration to the question of the extent to which the exercise of the discretion in favour of eligibility might have an adverse impact on Judo NZ and its wider interests, including the desirability that all Judoka can be confident that the Bylaw will be applied fairly and impartially;
 - (ii) The positions of each athlete should be considered separately in any exercise of the clause 2.7.6.B discretion;
 - (iii) Subject to the foregoing, the selectors and the President are not *precluded* from taking into account any matters they may reasonably consider relevant to each eligibility decision (including, if the selectors and the President reasonably consider them relevant to eligibility, any of the discretionary factors listed in clause 2.7.6.A.(c) of the Bylaw);
 - (iv) The selectors and the President may give consideration to any cases in which one or more of the three athletes may have been told that a particular international event would qualify for eligibility purposes under clause 2.7.5.A.(b) (in substitution for one of the events prescribed in that clause), if they consider that a failure to take that event into account may result in substantial unfairness to that athlete.

Dated: 12 October 2025



Warwick Smith
Acting Chair


Andrea Twaddle


Ruth Aitken DNZM