

An abstract graphic in a lighter blue color, depicting a stylized human figure in motion. The figure is composed of several overlapping, curved lines that suggest a dynamic pose, possibly a runner or a person in a crouched position. The lines are fluid and organic, creating a sense of movement and energy. The figure is positioned on the left side of the cover, with its head and upper body towards the top and its legs extending downwards.

**SPORTS TRIBUNAL**  
of New Zealand

ANNUAL REPORT  
2024 / 25

## MISSION OF THE SPORTS TRIBUNAL OF NEW ZEALAND

The mission of the Sports Tribunal is to ensure that national sport organisations, athletes and other parties to a sports dispute have access to a fair, objective and just means of resolving sports disputes within the Tribunal's jurisdiction that is also affordable, timely and efficient.

## PERIOD COVERED BY THIS ANNUAL REPORT

The 2024/25 Annual Report of the Sports Tribunal reports on activities and cases decided during the time period 1 July 2024 to 30 June 2025.



# CONTENTS

CHAIRPERSON'S FOREWORD .....	2
ABOUT THE SPORTS TRIBUNAL .....	3
CASES DEALT WITH BY THE TRIBUNAL 2024/25 .....	4
OTHER MATTERS INVOLVING THE TRIBUNAL IN 2024/2025 .....	16
SPORTS TRIBUNAL BIOGRAPHIES .....	18



## CHAIRPERSON'S FOREWORD

Tēnā koutou katoa,

The 2024–25 financial year has seen the Tribunal continue to fulfil its mission in resolving sporting disputes.

Several cases detailed in this report relate to the back end of the 2024 Paris Olympics, as the Tribunal issued decisions for these cases at the start of the new financial year. Non-nomination or non-selection appeals for pinnacle events such as the Olympics often require swift resolution under tight timeframes, and I commend the Tribunal members and Helen Gould – the Tribunal's Registrar during that period – for their time, dedication, and professionalism in managing these demands.

The establishment of the Sport Integrity Commission and release of its Integrity Code in March 2025 represents a significant development in the sporting landscape. While no cases have yet come before the Tribunal, it will only be a matter of time as sport organisations begin to adopt and implement the Integrity Code.

To account for changes in legislation and the introduction of the new appeal processes from the Commission, the Tribunal reviewed and published updated versions of its Rules and Information Guide (the 2024 versions). These were the first updates to our rules since 2012. Further updates may soon be needed again with the changes to the WADA Code in 2027 on the horizon.

There have been no changes in membership, but the Tribunal has a new Registrar with Helen having left in October 2024. I sincerely thank Helen for her outstanding work which was deeply appreciated by Tribunal members, athletes, and sporting organisations alike. I wish her all the best in her future endeavours.

I warmly welcome Luke Macris as the new Registrar. Luke has adapted quickly to the role, bringing a capable and energetic presence to the Tribunal's operations. His legal and sporting background have already proven invaluable, and I look forward to continuing to work with him.

Finally, I am grateful for the work of the Tribunal members in endeavouring to ensure that athletes and sporting organisations have access to a fair, objective, and just means of resolving sports disputes that is affordable, timely, and efficient.

Ngā mihi nui,

John Macdonald  
Chair

# ABOUT THE SPORTS TRIBUNAL

The Sports Tribunal is an independent statutory body that determines certain types of disputes for the sports sector. It was established in 2003 by Sport and Recreation New Zealand (now known as Sport New Zealand) in response to recommendations of a 2001 Taskforce which identified a need to help National Sporting Organisations (NSOs) avoid lengthy and costly legal battles, and to provide athletes with an affordable forum where they could access high quality and consistent decision-making to resolve disputes.

The Tribunal was continued under the name of the Sports Tribunal of New Zealand by the *Sports Anti-Doping Act 2006*, which on 1 July 2024 was amended and renamed to the *Sports Tribunal Act 2006* (the Act). The Act exists in much of the same form as the original but has lifted the cap on the number of members that can sit on the Tribunal and accommodated an expanding jurisdiction and role with the inception of the Sport Integrity Commission (the Commission), formerly Drug Free Sport New Zealand (DFSNZ), and their creation of an Integrity Code.

The Tribunal hears and decides the matters set out in section 38 of the Act. These are:

- Anti-doping violations, including determining whether an anti-doping violation has been committed and imposing sanctions;
- Disputes arising from the application of an integrity code;
- Appeals against a decision of a disciplinary panel under subpart 4 of Part 4 of the Integrity Sport and Recreation Act 2023;
- Appeals against a decision of a disciplinary body established by an organisation that has adopted an integrity code;
- Appeals against decisions made by a NSO or the New Zealand Olympic Committee (NZOC) if the rules of the NSO or NZOC allow for an appeal to the Tribunal. Such appeals include:
  - appeals against not being selected or nominated for a New Zealand team or squad;
  - appeals against disciplinary decisions;
- Other "sports-related" disputes that all parties to the dispute agree to refer to the Tribunal and that the Tribunal agrees to hear; and
- Matters referred by the Board of Sport New Zealand.

The Act sets out the requirements for the appointment of Tribunal members including the Chair and Deputy Chair(s). These include both legal experience and substantial involvement in sport. Information about the current Tribunal membership is provided at the end of this report.

Further information about the Tribunal's procedures and decisions can be found on its website: [www.sportstribunal.org.nz](http://www.sportstribunal.org.nz)

# CASES DEALT WITH BY THE TRIBUNAL 2024/25

Nineteen (19) proceedings were filed with the Tribunal during the year and the Tribunal issued eighteen (18) decisions. Five (5) cases were resolved without the need for a hearing (i.e., withdrawn or resolved by joint agreement between the parties). One case required both a reasons decision and costs decision. One (1) other filed case is still before the Tribunal. These are classified by proceeding type below.

	NUMBER OF PROCEEDINGS FILED	NUMBER OF DECISIONS ISSUED
Anti-Doping (Provisional Suspension)	4	4
Anti-Doping (Substantive)	4	5
Appeals against decisions of NSOs or NZOC	9	8 (includes a costs decision)
Sports-related disputes by agreement	1	0
Other	1	1
<b>Total</b>	<b>19</b>	<b>18</b>

## OVERVIEW

The Tribunal received nineteen (19) filings in FY24/25 compared to twenty-four (24) in FY23/24. In total, the Tribunal dealt with twenty-five (25) cases – consisting of the nineteen (19) cases filed in FY24/25 and six (6) filed in FY23/24 which continued into this reporting period.

The number of cases before the Tribunal over the past two years suggests increasing activity following decreases in cases seen during covid-19 pandemic disruptions.

The number of appeals filed against decisions of NSOs and the NZOC was nine (9) in FY24/25 as opposed to thirteen (13) in FY23/24. The nomination/selection appeals for the 2024 Paris Olympics straddled the Tribunal's reporting periods, with six (6) cases originally filed in FY23/24 being decided in FY24/25.

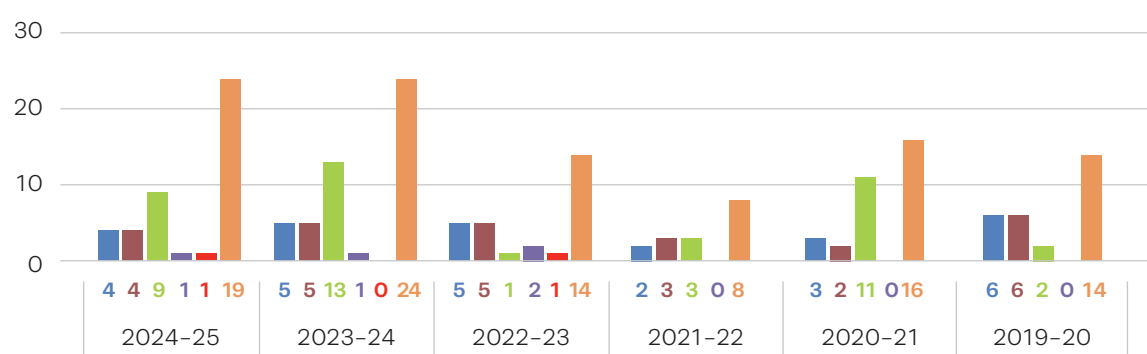
The number of anti-doping cases was four (4) in FY24/25, compared with five (5) in FY23/24. There were four (4) substantive anti-doping proceedings filed with the Tribunal and five (5) decisions issued; two (2) decisions relate to cases filed in FY23/24 and one (1) case was filed in FY24/25 with its decision yet to be released as of 30 June 2025.

We continue to anticipate an increase in future cases as sport organisations begin to adopt and implement the Integrity Code, introduced by the Sport Integrity Commission in March 2025. At present, no filings have been received in relation to the Integrity Code.

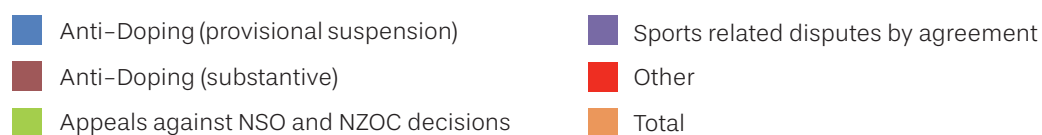
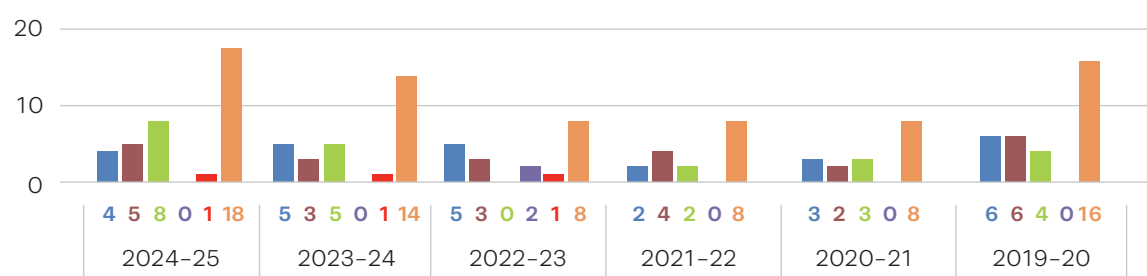
## COMPARISON WITH PREVIOUS FIVE YEARS

The following graphs show the number of proceedings filed with the Tribunal and decisions issued (classified by proceeding type) in 2024/25 alongside each of the previous five years.

Number and type of proceedings filed – yearly comparison



Number of decisions issued – yearly comparison

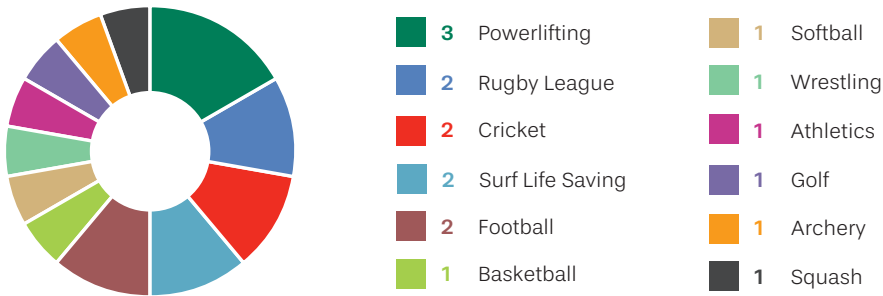


The charts below reflect the types of anti-doping cases and the sports involved over the last five years.

Anti-Doping Rule Violation decisions 2020–21 to 2024–25 by type



Tribunal decisions 2020–21 to 2024–25





## ANTI-DOPING CASES

The Tribunal hears provisional suspension applications and substantive proceedings for anti-doping rule violations filed by the Sport Integrity Commission, New Zealand's National Anti-Doping Organisation (NADO). The Tribunal is empowered to determine whether a violation has occurred and to impose the appropriate sanction under the Sports Anti-Doping Rules (SADR) promulgated by the Commission. The SADR mirror the World Anti-Doping Agency (WADA) Code. A revised Code took effect on 1 January 2021 and WADA is currently in consultation for changes to the WADA Code to take effect from 2027.

### FY 2024/2025

This reporting period, five (5) substantive anti-doping decisions were issued by the Tribunal. A further case was filed and heard, but a decision had not yet been issued as of 30 June 2025.

The five (5) substantive anti-doping decisions are summarised in the table below. These cases were determined under the 2024 and 2025 Sports Anti-doping Rules which were written under the 2021 WADA Code. There were four (4) cases involving the presence and use of a prohibited substance – each being "substances of abuse" cases. There was one (1) case that involved trafficking and possession of prohibited substances.

ANTI-DOPING VIOLATION	PENALTY	SPORT
Presence of and use of prohibited substance – Benzoyllecgonine (Cocaine)	1 month ineligibility	Squash
Trafficking and possession of prohibited substances – Ipamorelin, Tesamorelin, TB-500 and BPC-157	3 years ineligibility	Surf-lifesaving & Athletics
Presence of and use of prohibited substance – Benzoyllecgonine (Cocaine)	1 month ineligibility	Cricket
Presence of and use of prohibited substance – Carboxy-THC metabolite: 11-nor-delta-9-tetrahydrocannabinol carboxylic acid (Cannabis)	1 month ineligibility	Softball
Presence of and use of prohibited substance – Carboxy-THC metabolite: 11-nor-delta-9-tetrahydrocannabinol carboxylic acid (Cannabis)	8 months ineligibility <sup>1</sup>	Football

<sup>1</sup> Note: This decision (ST01/24) was appealed by the Sport Integrity Commission to the Court of Arbitration for Sport (CAS), which overturned the majority decision and imposed a period of 2 years ineligibility – see CAS 2024/A/10766.

These decisions are summarised on the following pages.

## **PRESENCE OF A PROHIBITED SUBSTANCE – SUBSTANCES OF ABUSE (COCAINE, CANNABIS)**

### **Sport Integrity Commission v Anthony Lepper (ST04/25)**

The Sports Tribunal suspended Mr Lepper for one month for the presence and use of the prohibited substance cocaine, and its metabolite Benzoyllecgonine (BZE).

Mr Lepper was provisionally suspended by the Sports Tribunal without opposition on 28 April 2025 following an Adverse Analytical Finding from an in-competition test at the New Zealand Squash Open in Christchurch on 4 March 2025. Mr Lepper requested that his 'B' Sample be analysed which subsequently confirmed the result of the 'A' Sample. Accordingly, the Sport Integrity Commission filed anti-doping rule violations against Mr Lepper.

Mr L admitted the violations but sought to be heard on sanction on the basis that his use of cocaine occurred out-of-competition and was unrelated to sport performance.

On 25 June 2025, the parties filed a joint memorandum of counsel in which the Commission, after considering both Mr Lepper's evidence and the concentrations in the 'A' Sample, accepted Mr Lepper's position. The parties also confirmed that Mr Lepper had satisfactorily completed a substance of abuse treatment programme approved by the Commission.

The Tribunal accepted the joint proposal from counsel and imposed an ineligibility period of one month on Mr Lepper, which was backdated to commence on 28 April 2025 (date of the provisional suspension order) and ended on 28 May 2025.

### **Sport Integrity Commission v Doug Bracewell (ST04/24)**

The Sports Tribunal suspended Doug Bracewell for one month for the presence and use of the prohibited substance cocaine, and its metabolite Benzoyllecgonine (BZE).

Mr Bracewell was provisionally suspended without opposition on 11 April 2024, following an Adverse Analytical Finding from an in-competition test at the New Zealand Cricket Super Smash T20 match between the Wellington Firebirds and the Central Stags in Wellington on 13 January 2024.

Mr Bracewell admitted using cocaine but maintained that his use occurred out-of-competition, being prior to midnight on the day before the match, and that it was unrelated to sport performance.

On 11 November 2024 counsel filed a joint memorandum in which it was agreed that the appropriate sanction was a period of ineligibility of three months, which would be reduced to one month, as Mr Bracewell had satisfactorily completed a Substance of Abuse treatment programme approved by the Commission.

The Tribunal accepted the joint proposal from counsel and imposed an ineligibility period of one month, which was backdated to commence on 11 April 2024, being the date of the provisional suspension order.

### **Sport Integrity Commission v Mikayla Werahiko (ST15/24)**

The Sports Tribunal suspended Mikayla Werahiko, a softball player, for one month for the presence and use of the prohibited substance Carboxy-THC metabolite: 11-nor-delta-9-tetrahydrocannabinol carboxylic acid (cannabis).

Ms Werahiko was provisionally suspended by the Tribunal without opposition on 24 July 2024 following an Adverse Analytical Finding from an in-competition test at the Softball New Zealand (SNZ) Women's Open Club National Championship held in Christchurch on 10 March 2024.

The Commission brought proceedings for anti-doping rule violations before the Tribunal on 30 July 2024. Ms Werahiko admitted the violations but sought to be heard on sanction on the basis that her use of cannabis occurred out-of-competition and was unrelated to sport performance.

On 8 August 2024, the parties filed a joint memorandum of counsel that the appropriate sanction should be a period of ineligibility of three months, which could be reduced to one month if she satisfactorily completed a substance of abuse treatment programme approved by the Commission, which she subsequently did.

The Tribunal accepted the joint proposal from counsel and imposed an ineligibility period of one month, which was backdated to commence on 15 July 2024 (start date of the provisional suspension order) and ended on 15 August 2024.

### **Drug Free Sport New Zealand v Inoke Turagalailai (ST01/24)**

By a majority decision, the Sports Tribunal suspended Inoke Turagalailai, a Fijian U23 football player, for eight months for the presence and use of the prohibited substance Carboxy-THC metabolite: 11-nor-delta-9-tetrahydrocannabinol carboxylic acid (cannabis).

Mr Turagalailai did not raise a defence to the alleged anti-doping rule violations but asked to be heard on the level of sanction, citing issues related to proportionality of sanction and significant delay. He admitted taking cannabis "in-competition" which meant that Rule 10.2.4.1 of the Sports Anti-Doping Rules did not apply, which would have ordinarily resulted in a significant reduction to his sanction. The issues before the Tribunal were whether the sanction could be reduced in accordance with principles of proportionality (Issue One) and backdated because of substantial delay (Issue Two).

#### **Majority decision:**

On Issue One, the majority considered that it could have regard to proportionality and had a duty to ensure that any sanction imposed was just and proportionate. They found that the case to be a rare one due to the financial impact of ineligibility on Mr Turagalailai and how much football meant to him, but also because of the disparities that the WADA Code produced regarding sanctions between "in-competition" versus "out-of-competition", which were arbitrarily drawn.

On Issue Two, it also found there was a substantial delay from the date the sample was taken and notification to Mr Turagalailai which was not attributable to him, which meant it was reasonable to backdate the period of ineligibility.

#### **Dissenting decision:**

The dissenting decision agreed with the majority view on Issue Two.

However, it did not agree on Issue One. Instead, it reasoned that while there was authority from the Court of Arbitration of Sport (CAS) for the proportionality doctrine in rare and exceptional cases, the circumstances of Mr Turagalailai's case did not meet that high test. Accordingly, the member would have issued a sanction of two (2) years ineligibility, which he felt was not disproportionate.

#### **Appeal to Court of Arbitration of Sport (CAS 2024/A/10766):**

DFSNZ/the Commission successfully appealed the Tribunal's decision to the Court of Arbitration of Sport, which can be found at:

[https://www.tas-cas.org/fileadmin/user\\_upload/Arbitral\\_Award\\_-\\_CAS\\_10766\\_for\\_publication.pdf](https://www.tas-cas.org/fileadmin/user_upload/Arbitral_Award_-_CAS_10766_for_publication.pdf)



## POSSESSION AND TRAFFICKING / ATTEMPTED TRAFFICKING OF PROHIBITED SUBSTANCES – IPAMORELIN, TESAMORELIN, TB-500 & BPC-157

### **Sport Integrity Commission v Morgan Foster (ST20/24)**

The Sports Tribunal suspended Morgan Foster, an athlete who was registered with both Surf Lifesaving New Zealand and Athletics New Zealand, for three years for the possession and trafficking of substances prohibited under the World Anti-Doping Agency (WADA) Prohibited List 2024.

On 30 September 2024, the New Zealand Customs Service (Customs) intercepted a parcel addressed to Mr Foster that contained the prohibited substances of Ipamorelin, Tesamorelin, TB-500 and BPC-157. Customs referred the matter to the Sport Integrity Commission who filed anti-doping rule violations (ADRVs). Mr Foster was provisionally suspended by the Sports Tribunal without opposition on 22 December 2024.

After Mr Foster provided evidence as to his personal circumstances and how he came to import the substances for another person (who he said was not an athlete), the Commission subsequently filed amended ADRVs for possession and trafficking. Mr Foster admitted the amended ADRVs and accepted the asserted periods of ineligibility.

On 15 May 2025, counsel for the parties filed a joint memorandum setting out their view as to the appropriate sanction – a period of ineligibility of four (4) years, based on a low level of seriousness for the more severe sanction for trafficking, with a one-year reduction for Mr Foster's early admission and acceptance.

The Tribunal accepted the joint proposal from counsel and imposed a final sanction of three (3) years ineligibility on Mr Foster, backdated to commence on 22 December 2024 (being the date of the provisional suspension order).

## APPEALS AGAINST DECISIONS OF NSOs OR NZOC

Nine (9) appeals were filed with the Tribunal against decisions of NSOs or NZOC in the reporting year. Four (4) of those cases were resolved without the need for a hearing (i.e., withdrawn or resolved by joint agreement between the parties) and one (1) case is still before the Tribunal.

The Tribunal issued eight (8) decisions in total in FY24/25. Four (4) decisions were about appeals against decisions of NSOs with respect to non-nomination for the 2024 Paris Olympics that were originally filed in FY23/24. One (1) decision was an appeal against non-selection to a World Junior event. Two (2) decisions relate to other appeals against decisions of NSOs; one appeal was about whether an opposition team had fielded an ineligible player due to a failure to comply with a transfer policy, and the other was about alleged breaches of natural justice associated with not reducing the net point calculation in a championship after cancellation of one of the rounds.

Of those eight (8) appeal decisions, five (5) were dismissed and three (3) were allowed (where two decisions allowed relate to the same case – see ST11/24). Summaries of these decisions are set out below.

## NOMINATION / SELECTION APPEALS

### **X, Y, & Z v Fencing New Zealand (ST02/25)**

Three junior athletes (X, Y & Z) brought appeals to the Sports Tribunal against the decision of Fencing New Zealand (FENZ) not to select them for the 2025 World Junior and Cadet Championships in Wuxi, China.

The parties agreed that all three appeals could be heard together given they arose from the same selection process and the issues on each appeal were the same. The Tribunal heard the appeal within a compressed timeframe to ensure a decision was made ahead of the event.

The appellants' grounds of appeal were that: (a) the applicable selection criteria had not been properly followed and/or implemented; (b) there was no material on which the selection decisions could reasonably be based; and (c) the selection decisions were affected by actual bias.

Following filing of written material and a hearing limited to oral submissions, the Tribunal found that FENZ had acted impartially and properly applied the selection criteria. While FENZ acknowledged that wording of the selection criteria could have been clearer to avoid ambiguity, the appellants had not met the "International Threshold" requirement in the selection criteria despite performing admirably with respect to the "Domestic Threshold" requirement. The Tribunal also found that the selection criteria had not been inconsistently applied to the disadvantage of the appellants when compared to other selected athletes.

Accordingly, the Tribunal concluded that none of the grounds of appeal were made out and dismissed the appeal.

### **Lucas Murphy v Cycling New Zealand (ST09/24)**

Lucas Murphy filed an urgent appeal against the decision of Cycling New Zealand (CNZ) not to nominate him for selection to the U23 Individual Time Trial event at the 2024 UCI World Championships, Switzerland. The Tribunal held an urgent virtual hearing and assessed the evidence and oral submissions of the parties.

Mr Murphy's grounds of appeal were that: (a) the selection criteria had not been properly followed and/or implemented; (b) there was no material on which the selection decisions could reasonably be based; and (c) he had no reasonable opportunity to meet the criteria. Amongst other cited issues, Mr Murphy submitted that selectors did not properly consider his performance at the Oceania Champs in light of an injury he sustained during a crash and that an acknowledged administrative error with a rider's submission link meant that he did not have the opportunity to provide further information to CNZ.

Having considered all the evidence, the Tribunal ultimately found that there were no material errors made by the selectors. The Tribunal concluded that CNZ selectors were aware of errors in the selection matrix, had properly considered Mr Murphy's results, and that Mr Murphy could have contacted CNZ with further information that was important irrespective of the broken rider's submission link.

Accordingly, the Tribunal dismissed the appeal following the urgent hearing and provided a written reasons decision.

### **Hannah Thomas v Canoe Slalom New Zealand (ST13/24)**

Hannah Thomas filed an urgent appeal against the decision of Canoe Slalom New Zealand (CSNZ) to not nominate her in the C1W event for the 2024 Paris Olympics. The Tribunal heard the appeal urgently and, by agreement of the parties, the matter was decided on the papers.

The CSNZ selection panel decided that Ms Thomas did not meet the over-riding or secondary nomination criteria. In terms of the secondary nomination criteria, this meant that the selection panel was satisfied overall that Ms Thomas had not demonstrated by her results that she was capable of achieving an Olympic Diploma (top 8 placing) at the Los Angeles Olympics in 2028.

Ms Thomas' grounds of appeal were that: (a) the selection criteria had not been properly followed and/or implemented; (b) she had no reasonable opportunity to satisfy the nomination criteria; and (c) there was no material on which the nomination decision could reasonably be based. Ms Thomas submitted that the selectors lacked the necessary expertise in canoe slalom racing and cited several ways they had failed to follow and implement the criteria, including a failure to inform her of a 5% performance benchmark used to assess her future potential.

Having considered the written evidence and submissions, the Tribunal found that the grounds of appeal were not made out. It concluded that, while it did not have the expertise to comment on the competence of the selectors, Ms Thomas should have raised concerns about the selectors appointments when they were made or prior to the qualification period. It also concluded that the 5% benchmark was simply a methodology used by the selectors to help them determine whether the criteria were met. While the Tribunal queried whether this methodology should have been disclosed to Ms Thomas, there were other factors which clearly pointed to her not being on a trajectory towards a top 8 placing at the 2028 Olympics and so it did not make any material difference to the decision not to nominate. Similarly, there were numerous events for Ms Thomas to have competed in to satisfy the criteria.

Accordingly, the Tribunal dismissed the appeal against non-nomination.

### **Samara (Sammie) Maxwell v Cycling New Zealand (ST11/24)**

Sammie Maxwell filed an urgent appeal against a decision of Cycling New Zealand (CNZ) via their CNZ Olympic Nomination Panel (CNZONP) not to nominate her for selection by the New Zealand Olympic Committee (NZOC) for the Women's Mountain Biking event at the 2024 Paris Olympics. The Tribunal heard the appeal urgently, issuing a results decision ahead of the reasons decision, given the tight Olympic deadlines.

Ms Maxwell has openly fought an eating disorder since the age of 15 and the eligibility criteria required her to demonstrate to CNZ's satisfaction that she "did not suffer from any mental or physical impairment that would prevent [her] from competing at the 2024 Games to the highest possible standard".

Ms Maxwell's submitted four grounds of appeal, with the two determinative grounds being: (a) CNZ did not properly implement or follow the nomination criteria; and (b) there was no material on which the nomination decision could reasonably be based.

Having heard the evidence and submissions of the parties, the Tribunal found the above two grounds had been made out. The Tribunal commended CNZ for its concern about Ms Maxwell's health. However, it found there was no medical evidence provided to CNZONP that identified the actual mental impairment that flowed from Ms Maxwell's anorexia or the extent to which it might adversely affect her performance. It also found there were serious breaches of natural justice related to a failure to provide to Ms Maxwell copies of medical reports supplied to CNZONP and to alert her to the fact that were considering invoking the mental impairment clause.

Accordingly, the Tribunal allowed the appeal and nominated Ms Maxwell for selection under Tribunal Rule 49(b)(i) as, given the timeframes, it was impracticable to refer the question back to CNZ in the time available. The NZOC subsequently selected Ms Maxwell for the Olympics.

### **Samara (Sammie) Maxwell v Cycling New Zealand – costs (ST11/24)**

Ms Maxwell incurred substantial legal costs in bringing her selection appeal and, as an athlete with limited resources, applied to the Tribunal for an award of costs against CNZ.

Traditionally the Tribunal does not make awards of costs very often and when it does, the awards tend to be modest. It is only in exceptional cases that the Tribunal will make substantial awards.

Having heard argument from both parties on costs, the Tribunal decided that Ms Maxwell's case was exceptional (that is, unusual or out of the ordinary), reflected by the unique circumstances of her case and that the Tribunal took the unusual step of nominating her for Olympic selection. Accordingly, the Tribunal awarded Ms Maxwell costs of \$15,000.

The Tribunal emphasised that the costs decision was based on the exceptional circumstances of Ms Maxwell's case and did not signal a departure from the Tribunal's long-established approach to awards of costs to successful parties. Each costs case will continue to be assessed on its merits.

### **Michael Bias v Cycling New Zealand (ST12/24)**

Michael Bias filed an urgent appeal against a decision of Cycling New Zealand (CNZ) not to nominate him for selection by the New Zealand Olympic Committee (NZOC) for BMX at the 2024 Paris Olympics. Another BMX rider, Rico Bearman, had been nominated to the event and Mr Bias nominated as the reserve

An urgent, virtual appeal was held with the Tribunal issuing a results decision ahead of the reasons decision given the tight Olympic deadlines.

Mr Bias submitted two grounds of appeal. The first was that CNZ had not properly followed and/or implemented the nomination criteria, citing six issues with the way in which the nomination criteria were applied. The second was that CNZ's nomination decision was affected by bias as CNZ had favoured their own an HPSNZ funded rider over Mr Bias, who described himself as a "privateer" and that personal prejudices in CNZ had affected his career.

Having heard the evidence and submissions from both parties, the Tribunal was not satisfied that there was any failure by CNZ to follow and/or implement the nomination criteria and nor was it satisfied that the decision was affected by actual or apparent bias. The Tribunal found that CNZ had appropriately considered the results of the two riders in reaching their decision to nominate Mr Bearman, acknowledging the expertise of the selectors. Similarly, they noted that none of the documents produced by CNZ showed the slightest evidence of any bias or animus against Mr Bias and that he appeared to have been treated fairly.

Accordingly, the Tribunal dismissed the appeal against non-nomination.

## **OTHER APPEALS AGAINST DECISIONS OF AN NSO**

### **Playaz Volleyball v Volleyball New Zealand (ST19/24)**

Playaz Volleyball (Playaz) brought an appeal against the decision of Volleyball New Zealand (VNZ) concerning the eligibility of a player who played for Waitakere Rebels (Rebels) against Playaz in a Northern Zone competition match.

Playaz had lodged a protest to the Northern Zone Committee against that result of that match on the basis that Rebels had played an ineligible player. The Northern Zone Committee had dismissed the protest and Playaz, dissatisfied with that outcome, sought a decision from the VNZ Board as any appeal to the Tribunal could only be against a decision of a national sporting organisation (NSO). The VNZ Board subsequently reached a decision that the player was eligible to play for Rebels in the match and the result would stand.

The primary and determinative issue before the Tribunal on appeal was whether the transfer of the Rebels player had complied with the VNZ Transfer Policy prior to taking the court. In a decision made on the papers, the Tribunal was satisfied that there were instances where there was a failure to comply with the VNZ Transfer Policy. The most significant failings being that there had been no confirmation of approval of the transfer of the Rebels player prior to playing and that VNZ then approved the transfer later.

Accordingly, the Tribunal upheld the appeal and with the game (or the points from the game) between Rebels and Playaz being forfeited to Playaz.



### **Sloan Frost v Motorcycling New Zealand (ST08/24)**

Sloan Frost made an appeal, on behalf of his son, against a decision of the Judiciary Committee (JC) of Motorcycling New Zealand (MNZ) not to reduce the net point calculation in the New Zealand Superbike Championship from five rounds to four rounds after cancellation of one of the rounds.

The grounds for the appeal were a breach of natural justice as Mr Frost submitted that the JC was biased, did not provide a fair hearing, and disregarded relevant evidence. Having considered all the evidence presented to it, the Tribunal found that none of the grounds of appeal were made out.

Yet during and after the Tribunal's hearing, it became apparent that there were further supplementary regulations which could have been considered by the JC and potentially helpful to Mr Frost's arguments. The Tribunal wondered whether the outcome would have been different had that material been before the JC but noted that it was Mr Frost's responsibility to put all evidence both before both the JC and Tribunal.

As the Tribunal found that there was no breach of natural justice, the appeal was dismissed.

## **SPORTS RELATED DISPUTES – REFERRED BY AGREEMENT OF THE PARTIES**

One (1) proceeding was filed by agreement of the parties with the Tribunal in the reporting year. The case did not progress to a hearing because, following a pre-hearing conference where it became apparent there was disagreement as to the issues in dispute, the matter was withdrawn.

## **OTHER APPEALS**

The Tribunal dealt with one (1) other appeal in the reporting year. The case did not progress to a hearing as a decision was issued on preliminary issues of standing and jurisdiction, as set out below.

### **Rose Time-Taotua v New Zealand Secondary School Sports Council Incorporated (ST18/24)**

Rose Time-Taotua filed an appeal against a decision of Secondary School Sports Council, also known as School Sport New Zealand (SSNZ), not to grant Tawa College a special exemption to allow Ms Time-Taotua to play netball for the school in two netball competitions. Tawa College accepted the decision of SSNZ and elected not to appeal but said that Ms Time-Taotua was welcome to appeal to the Tribunal herself.

Given timeframes associated with the start of the competitions, the Tribunal dealt with the matter urgently and abridged timeframes.

The grounds of appeal were that natural justice were denied and that the decision-maker or decision-making body acted outside its power and/or jurisdiction. However, the Tribunal had to first consider issues of standing and whether the Tribunal had jurisdiction to hear the appeal.

Having considered arguments from both parties, the Tribunal found that Ms Time-Taotua lacked standing because the applicable rules and regulations did not provide a process for challenge by a student – they instead provided avenues of appeal by schools and principals which could not be conferred to another party. It also agreed with SSNZ's argument that there was no jurisdiction for the Tribunal to hear the appeal under the Sports Tribunal Act 2006.

Accordingly, the Tribunal dismissed the appeal in its preliminary decision on standing and jurisdiction.

## URGENCY

The Tribunal continued to process cases efficiently and speedily and to hear urgent applications at short notice. As demonstrated by many of the cases above, this is particularly important during pinnacle events, such as Olympic nomination and selection periods.

## MEDIATION ASSISTANCE AND OTHER SUPPORT

In appropriate cases, the Tribunal offers advisory assistance and forms of mediation to parties to help settle their disputes by agreement without the Tribunal needing to adjudicate. The Tribunal can conduct mediation at the request of the parties, or in appropriate cases, it can order parties to undertake mediation.

The Tribunal dealt with three filed disputes that were resolved without need for a hearing: one was resolved by the parties through mediation without assistance from the Tribunal; one was discontinued by an appellant before being heard by the Tribunal; and one was resolved by agreement between the parties with mediative assistance by way of a pre-hearing conference and supporting the parties to formalise a joint agreement on the issues. In line with the Tribunal's discretion under privacy and confidentiality rules, further details about these proceedings or the parties are not made public.

The Tribunal was approached with numerous public enquiries relating to disputes between athletes and regional sporting organisations and enquiries relating to contract disputes or integrity matters. Where appropriate, the Tribunal will recommend that matters be referred to either the Sport Integrity Commission, mediation via the Sport and Recreation Complaints and Mediation Service (SRCMS), or to obtain independent legal advice (a copy of the Tribunal's Legal Assistance Panel list may be provided to assist the person).

# OTHER MATTERS INVOLVING THE TRIBUNAL IN 2024/2025

## PUBLIC ENQUIRIES

In addition to the proceedings filed and heard by the Tribunal, the Tribunal fielded forty-six (46) separate public enquiries. Enquiries are received either by email or phone by the Tribunal's Registrar, and each enquiry can often require multiple replies or attendances with the enquirer. Enquiries can vary in topics, but are often about: general information about the Tribunal and its processes; proceedings before the Tribunal (which are confidential); whether a matter can or should be brought to the Tribunal (i.e., does the Tribunal have any jurisdiction to hear an appeal); how to make an application to the Tribunal; questions regarding how or when to obtain legal advice or other support; questions from academics or journalists; and requests for assistance to find previous Tribunal decisions.

## CONFERENCES AND TRAINING

The Tribunal Chair and Deputy Chair (Andrea Twaddle) attended the Australia New Zealand Sport Law Association (ANZSLA) annual conference held in Sydney in October 2024. The conference represented an excellent networking opportunity and an opportunity to hear of new developments in the sport law field. A conference reflections document was prepared by the Deputy Chair.

## CONSULTATION

The Tribunal was asked to review and provide feedback on the Sport Anti-Doping Rules (SADRs) for 2025.

The Tribunal made submissions on the WADA review of the Code 2027 and International Standards. The Tribunal continually reviews and revises its internal procedures to ensure alignment with requirements in the WADA Code, WADA International Standards, and the Sports Anti-Doping Rules.

The Tribunal published a new 2024 edition of its Rules and Information Guide. The Tribunal considers the changes to be relatively minor, reflecting changes to the legislation establishing the Tribunal and the newly formed Sport Integrity Commission.

The Tribunal was consulted on remuneration of Tribunal Members by the Remuneration Authority.

The Tribunal has been approached and is in discussion with the Japan Sports Arbitration Agency (JSAA) to host, in association with other New Zealand-based organisations, a JSAA trainee for a short period in FY25/26.

## LEGAL ASSISTANCE PANEL

Parties to anti-doping proceedings continue to benefit from access to support for independent legal advice and services through the Tribunal's Legal Assistance Panel. An up-to-date list of lawyers on the Legal Assistance Panel can be found on the Tribunal website.

## EXPENDITURE

Under the Memorandum of Understanding between the Minister for Sport and Recreation, Sport NZ and the Tribunal, Sport NZ employs the Registrar of the Tribunal, provides accommodation for the Tribunal office, and funds support and information technology costs.

Sport NZ also funds the other operating costs of the Tribunal, which include those associated with hearing and deciding cases (such as the remuneration paid to Tribunal members authorised by the Remuneration Authority, travel, hiring of hearing venues and teleconferencing costs) and producing information resources.

In 2024/25 those operating costs totalled \$122,780 with the bulk of that (\$104,790) going on fees for hearings.

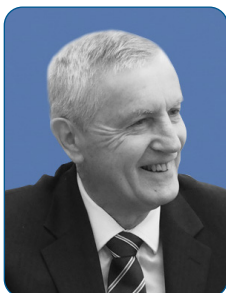
# SPORTS TRIBUNAL BIOGRAPHIES

## CURRENT MEMBERS OF THE SPORTS TRIBUNAL



**CHAIRPERSON:**  
**JOHN MACDONALD**

John (Rangitāne, Ngāti Raukawa) was appointed Chairperson of the Tribunal in November 2022. He is a former District Court Judge (1990–2022) and a former Panel Convenor of the New Zealand Parole Board (2002–2016). He played basketball for New Zealand between 1969 and 1981, captaining the first side to beat Australia in 1978. Before concentrating on basketball, John had played cricket for Otago Brabin Cup and under 23 sides. He also played for New Zealand Universities, scoring a century on its 1969/70 Australian tour. John has been the patron of Basketball New Zealand since 2012. He was inducted into the Basketball Hall of Fame in 2017 and the Māori Sports' Hall of Fame in 2019.



**DEPUTY CHAIRPERSON:**  
**WARWICK SMITH**

Warwick is a former Associate Judge of the High Court (2014–2021), and a former member of the Copyright Tribunal of New Zealand (2012–2013). He currently practises as an arbitrator and mediator from chambers in Auckland and holds the offices of Legal Aid Review Authority under the Legal Services Act 2011 and assessor for the Ministry of Justice's Criminal Justice Assistance Reimbursement Scheme. He is on the international arbitration panels of the New Zealand International Arbitration Centre and the Singapore International Arbitration Centre, and regularly acts as a domain name panellist for the World Intellectual Property Organisation. Warwick is a lifelong sports enthusiast, having played cricket at senior club level and later serving on the management committee of the North Shore Cricket Club. Prior to his appointment to the bench, he was a member of Auckland Cricket's disciplinary committee.



**DEPUTY CHAIRPERSON:**  
**ANDREA TWADDLE**

Andrea is a director of DTI Lawyers. She is an experienced lawyer specialising in sports law, employment law and independent investigations. Andrea is a member of the Australian and New Zealand Sports Law Association and Association of Workplace Investigators. She has served as the Selection Review and Appeals Commissioner for NZ Rowing. Andrea has considerable legal experience within the sports sector, including integrity, health and safety, and governance matters. A former age-group representative hockey player, she has been involved in many sports as a participant, coach, administrator and support person.



**DAME RUTH AITKEN DNZM**

Ruth represented New Zealand at netball in 1979 and was the Silver Ferns coach from 2002–2011, leading the team to two Commonwealth Gold Medals (2006 and 2010) and the 2003 World Netball Championship title. Named Halberg Coach of the Year in 2003 and awarded the ONZM in 2011 for services to netball, she retired as the most capped international netball coach in the world with 112 test matches to her credit. In 2021, as well as receiving a Service Award from World Netball, she was made a Life Member of Netball New Zealand. In the 2022 Queen's Birthday and Platinum Jubilee Honours, Ruth was promoted to Dame Companion of the New Zealand Order of Merit, for services to netball.



**DR HELEN TOBIN**

Helen is an orthopaedic surgeon working at Hutt and Boulcott Hospitals. She specialises in hip and knee replacement. She is currently the Clinical Director of Surgery, Women and Children at Hutt Hospital. She is an examiner for the Royal Australasian College of Surgeons and a trustee for the Wishbone Trust (fundraising for orthopaedic research) and for the Hip Fracture Registry.



**PIPPA HAYWARD**

Pippa is a solicitor at Meredith Connell having obtained a Bachelor of Arts and a Bachelor of Laws degree from the University of Auckland. She represented New Zealand in hockey between 2012 and 2018, retiring after the Commonwealth Games on the Gold Coast where her team won gold. She was a member of the women's hockey team at the Olympics in Rio de Janeiro and played over 150 tests. Pippa has been a board member of the Hockey Players' Association for the past six years and is also on the committee of the New Zealand Law Society's Auckland Branch Young Lawyers.



**DR SARAH BEABLE**

Sarah is a Sports and Exercise Physician at Axis in Queenstown and medical director for Snow Sports NZ, having previously been medical director for Cycling New Zealand. She has worked with a wide range of athletes and sports, taking her to multiple Olympic and Commonwealth Games and touring with the Silver Ferns. She has a research background and a special interest in athletic women's health and mental health in athletes. She has a good understanding, from a sports medicine perspective, of the role of the Tribunal. She still regularly participates and competes in a variety of sports.



**SAM FELLOWS**

Sam Fellows (Ngāi Tahu) is a legal and governance adviser and professional director, providing fractional leadership, governance and legal services to businesses, not for profits and individuals. A former General Counsel at Tauranga City Council, and experience at Holland Beckett and Simpson Grierson, he has taught sports law at the University of Waikato and has appeared before the Tribunal on multiple occasions. Sam is an experienced first class rugby referee and has long been involved in sport as a participant, official and in governance.



**HARETE HIPANGO**

Harete (Whanganui/Te Āti Haunui-a-Pāpārangī, Ngāti Apa, Nga Rauru, Ngāti Whitikaupeka/ Ngati Tamakōpiri) served six years as a Member of Parliament in the 52nd & 53rd NZ Parliaments. Prior to that she served as a barrister and solicitor of the High Court of New Zealand for 25 years which included court litigation, mediation, tribunal work and legal advocacy/representation specialising in criminal, family, children & young persons/youth, mental health law. She also has a broad range of experience & service in community affairs & governance. Harete has a lifetime involvement and interest in sport, including her own participation as a multi-provincial age-group and franchise representative netballer, competition coaching, managing, event organising in netball & as parent support in age group rugby, tennis, athletics and New Zealand Junior & USA College national rowing. Harete maintains a regular fitness regime of gym workouts & running. She has competed in NZ Masters netball over the decades and more recently in the 10km run (60–64yrs) in February 2025 also completing her first half marathon at NZ Iron Māori (6–64yrs) in November 2024. She was delighted to simply complete the events (and stunned that they were also medalled golden moments for her!) Harete continues to follow and support New Zealand sport and athletes with keen interest.

# CONTACT INFORMATION

The Sports Tribunal's office is in Wellington.

Enquiries should be directed to the Registrar of the Sports Tribunal.

The Sports Tribunal's preference is for documents to be filed by email.

## CONTACT DETAILS

Registrar

Sports Tribunal of New Zealand

Phone: 0800 55 66 80

Email: [info@sportstribunal.org.nz](mailto:info@sportstribunal.org.nz)

Website: [www.sportstribunal.org.nz](http://www.sportstribunal.org.nz)

## POSTAL ADDRESS

Registrar

Sports Tribunal of New Zealand

PO Box 3338

Wellington 6140

## PHYSICAL ADDRESS

Registrar

Sports Tribunal of New Zealand

Level 1, Harbour City Centre

29 Brandon Street

Wellington 6011