

**BEFORE THE SPORTS TRIBUNAL
OF NEW ZEALAND**

ST 01/26

BETWEEN **X (minor)**

Appellant

AND **New Zealand Kung-Fu Wushu Federation Incorporated**

Respondent

DECISION OF SPORTS TRIBUNAL ON JURISDICTION

2 February 2026

Hearing 30 January 2026 – pre-hearing conference via Teams

Present Mother X for Appellant
Ann Broughton, Charlie Qiao & Wei Zhao (support people for Appellant)
John Grace, counsel for Respondent
Glen Keith (President) for Respondent

Tribunal John Macdonald (Chair)

Registrar Luke Macris

Proceedings and Decision of the Sports Tribunal

1. Mother X, on behalf of X (a minor and the Appellant), seeks to appeal against the decision of New Zealand Kung-Fu Wushu Federation Incorporated ('the Federation' and the Respondent) not to select X to attend the World Junior Wushu Championships (WJWC) to be held in Tianjin, China in March 2026.
2. The Federation argued that the appeal could not be entertained by the Tribunal because it lacked jurisdiction and both parties were heard on this issue at a pre-hearing conference via Microsoft Teams on 30 January 2026.
3. The Tribunal concludes that it does not have jurisdiction to hear the appeal for the reasons set out below.

Background

4. The Federation organised selection trials to select athletes for the 2026 WJWC by way of youth athletes performing martial art routines in which they are scored on how well they perform their routines.
5. On the account provided by the Federation, the selection criteria were detailed in a letter sent to all competitors' coaches before the selection event. X was initially selected in his category until it was later discovered, following a review of processes, that the selectors had mistakenly applied the wrong selection criteria. Accordingly, the Federation claims it sought to discuss the issue with X's coach and parents, having acknowledged and apologised for the error, before issuing a revised team selection outcome in which X was not selected. The Tribunal makes no comment as to the factual accuracy of this account (as no evidence was heard on this or the merits of the case), except to provide it as background to explain how and why it was that Mother X came to have concerns about the selection process.
6. Mother X filed with the Tribunal a Form 3 (Notice of Appeal) & Form 4 (Appeal Brief) together with other relevant documents on 24 December 2025 and later provided notice of the appeal to the Federation on 14 January 2026. The grounds of appeal cited were breach of the Federation's constitution and breaches of natural justice relating to bias, lack of transparency, and conflicts of interest between positions of the members of the Federation's Executive and their role as coaches in the selection.
7. In line with an abridged timetable set by the Tribunal to expedite the matter, the Federation filed a Statement of Defence and indexed bundle of documents on 23

January 2026, indicating that the Tribunal did not have jurisdiction to hear the appeal because no jurisdiction is conferred by the Federation's constitution and the Federation did not consent to the Tribunal determining or mediating the appeal.

8. The Tribunal held an urgent pre-hearing conference with the parties by Teams on 30 January 2026 to discuss the issue of jurisdiction. Urgency arose as the final registration date for the WJWC was 7 February 2026. In the lead up to that conference, Mother X filed a letter dated 27 January 2026 and the Federation filed a memorandum of counsel dated 29 January 2026.

Submissions of parties on jurisdiction

9. Mr Grace, counsel for the Federation, submitted that the Tribunal did not have jurisdiction because, in terms of section 38(c) of the *Sports Tribunal Act 2006* (the Act), there is no provision in any constitution, rule or regulation specifically providing for an appeal to the Tribunal.
10. Mr Grace accurately stated the position with regards to the Federation's constitution at para 4.1 of his memorandum:

None of the present or past constitutions provide for an appeal to the Tribunal. There are provisions for dispute resolution, such as clause 7.4 of the 2023 Constitution (bundle p 4) and clause 30 of the 2025 Constitution (bundle p 37). There are also provisions to refer disputes to an arbitral tribunal if the Federation chooses (2015, clause 30.5(a)(ii), bundle p 38). However, none of these provisions contain a right of appeal to the Sports Tribunal.

11. Without an explicit right of appeal to the Tribunal in the constitution or selection criteria, Mr Grace submitted that the only other avenue for jurisdiction would be by way of agreement between the parties under section 38(b) of the Act. However, in that regard he made clear that the Federation did not consent to the Tribunal determining or mediating this appeal and maintained that it had valid reasons for that position.
12. Mother X argued in her initial filings that the Tribunal had explicit jurisdiction.¹ However, by the time of the pre-hearing conference, she had resiled from that position and conceded that there was no express clause mandating referral to the Tribunal.

¹ Indeed, the Federation noted in its submissions that Mother X had provided a quote in her Notice of Appeal in which she claimed that the Federation's 2023 constitution stated "Any dispute or appeal

13. Instead, with the support of Ms Broughton, Mother X essentially argued that a collection of obligations in the Federation's constitution² when read in conjunction with the *Incorporated Societies Act 2022*³ meant that the only way to address the perceived unfairness (e.g., X initially being selected then unselected, changing selection criteria) and serious procedural concerns (e.g., breaches of natural justice, lack of internal appeal pathways) was for the Tribunal, as a body independent of the Federation, to accept jurisdiction and hear the appeal.
14. In her letter dated 27 January 2026, Mother X had implored the Federation to agree to mediation before the Tribunal, noting that the only other external avenues available were to engage legal counsel to seek to organise mediation and/or an urgent judicial review application to the High Court.

Discussion

15. The Tribunal concludes that this is a straightforward matter as there is simply no specific provision, either within the Federation's constitution or selection criteria, that grants jurisdiction to the Tribunal to hear the selection appeal under section 38(c) of the Act. There were also no other Federation rules or regulations that would provide jurisdiction to the Tribunal.
16. Furthermore, as stated, the Federation does not agree to come before the Tribunal under section 38(b) of the Act.
17. In those circumstances the Tribunal has no option but to dismiss the appeal for lack of jurisdiction. Were the Tribunal to accept the arguments advanced by Mother X, it would effectively 'open the floodgates' for other athletes and render all constitutional clauses for national sport organisations across New Zealand relating to dispute resolution procedures and appeals redundant.
18. Essentially Mother X was arguing that there *should* be a right of appeal to the Tribunal and that it was incumbent on the Federation to ensure that there is a degree of independent oversight of its selection processes by way of appeal rights to ensure that

arising out of or in connection with selection ... may be referred to the Sports Tribunal ..." when, in fact, the constitution contains no such words.

² Referencing clauses 4.3-4.7, 7.12-13, 7.16, 12.1.3, and 18.1.4-18.2.6 of the Federation's 2025 constitution.

³ Referencing sections 26-28, 37-39 and 51.

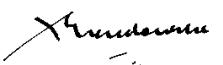
the Federation maintains the trust and confidence of its athletes in the fairness of its procedures.

19. For what it is worth (which may be little given the outcome of this decision), the Tribunal agrees with that view. Indeed, it has concerns that the Federation does not have any explicit selection appeal procedures to an independent body for what must be considered a pinnacle youth event in this sporting code. In the Tribunal's experience, rights of appeal to the Tribunal for selection appeals are standard practice in New Zealand, save for a few notable exceptions for highly developed or professionalised sporting bodies that have the means and ability to maintain their own external and independent hearing panels.
20. Without advancing too far into the merits of the case⁴, the Federation claimed to be confident that their selection procedures had been fair and that Mother X was incorrect or misunderstood the factual circumstances. If that is indeed the case, then the Tribunal encourages the Federation to provide further opportunities to Mother X, and any other disaffected families, to discuss these matters further to allay any concerns and repair the relationship.

Decision

21. The Tribunal dismisses the appeal for lack of jurisdiction.

Dated: 2 February 2026



John Macdonald
Chair

⁴ Which were not fully canvassed before the Tribunal.