

BETWEEN JENNIFER CLARKE

Appellant

AND CROQUET NEW ZEALAND

Respondent

AND AARON WESTERBY

Interested Party

AND GREG BRYANT

Interested Party

**RESULT DECISION
27 JULY 2026**

Hearing 23 July 2026 – second part by Microsoft Teams

Present Dr Jennifer Clarke (Appellant)
Ian Hunt, counsel for Appellant
Aaron Lloyd, counsel for Respondent and Aaron Westerby (Interested
Party) and Greg Bryant (Interested Party)
Richard Dimmock, Board Member for Respondent

Tribunal Andrea Twaddle (Acting Chair)
Ruth Aitken DNZM
Sam Fellows

Registrar Luke Macris

1. On 22 July 2026, the Tribunal held the first part of the hearing for this proceeding. Following that first part, this Tribunal panel issued a Minute determining that there had been a breach of natural justice by Croquet NZ (CNZ) in the process adopted by the Fourth Selection Committee.¹

Dr Clarke's eligibility for selection

2. The Tribunal must determine whether Dr Clarke is ineligible for selection on the basis that the Consent Order agreed to by CNZ, and issued by this Tribunal in relation to Tribunal proceeding ST05/26, was obtained by Dr Clarke by misrepresentation.
3. Our determination is that the exemption for Dr Clarke's non-attendance at the Top 8 tournament held on 4 February 2026 was legitimately obtained from CNZ and there was no material misrepresentation. Accordingly, she is eligible to be selected for the 2026 MacRobertson Shield team.

The application of Tribunal Rule 60

4. Having determined that there was a breach of natural justice by CNZ's Fourth Selection Committee, that Dr Clarke is eligible for selection, and that relief remains potentially open to Dr Clarke², the Tribunal must determine the application of Tribunal Rule 60 which states:
 60. Rule 58 shall not apply to an appeal against Selection or Non-Selection of a national team or squad. If the appellant succeeds on such an appeal, the Tribunal may:
 - (a) as a matter of usual practice, but in the discretion of the Tribunal, refer the question of selection back to the NSO and/or the NZOC for determination in accordance with the relevant selection criteria;
 - (b) allow the appeal and conclusively determine the issue of selection of the appellant if:
 - (i) it would be impracticable to refer the question of selection back to the NSO and/or the NZOC in the time available in which entries to the relevant event or competition are to be submitted; or
 - (ii) there has been such disregard of the selection criteria by or on behalf of the NSO and/or the NZOC that a reasonable person could reasonably conclude that it is unlikely that the selection criteria will be properly followed and/or implemented.
5. The question for this panel to consider is whether to refer the matter back to CNZ's Fourth Selection Committee under r. 60(a) or to conclusively determine the issue of selection if either of r. 60(b)(i) or (ii) are satisfied.

¹ We note that the Fourth Selection Committee wrongly refer to themselves as the "Third Selection Committee", perhaps not accounting for the First Selection Committee that was convened in relation to the Consent Order in relation to Tribunal proceeding ST05/26.

² Refer paras. [3]-[11] re relief in Tribunal Minute dated 23 July 2026.

6. Our determination is that both r.60(b)(i) and (ii) are satisfied in the circumstances of this proceeding.
7. Our primary reason for conclusively determining selection is that it would be impracticable to refer the selection question back to the Fourth Selection Committee for reconsideration ahead of the Second Test due to start on 30 July 2026 (UK Time), particularly in circumstances where CNZ may need to approach World Croquet Federation (WCF) for a substitution under the casualty provisions of the MacRobertson Shield 2026 Regulations v4.1 should Dr Clarke be selected.
8. However, we also apprehend that a reasonable person could reasonably conclude that it is unlikely that the selection criteria could be properly followed and/or implemented by the Fourth Selection Committee. That is because it would amount to a third selection decision by the Third and Fourth Selection Committees³ in circumstances where that committee had twice made decisions with prejudicial information in front of it or in their mind where Dr Clarke had not yet had the opportunity to comment on that material. Likewise, a freshly constituted selection panel appears unlikely as CNZ acknowledged there were limited resources (selectors) available for an entirely new committee to be convened.

Selection material considered

9. The Tribunal considered the following selection material in conclusively determining the issue of selection⁴:
 - a. MacRobertson Shield Selectors' Information Pack CNZ provided to the Fourth Selection Committee (July 2026);
 - b. The 2017 Manager's Report and Dr Clarke's response;
 - c. Criteria Worksheet (from the Fourth Selection Committee); and
 - d. The evidence of Mr Rive, both in his written statement and oral evidence to the Tribunal, to understand both the material before the Fourth Selection Committee and the reasoning behind their decision-making.
10. For the avoidance of doubt, the Tribunal panel did not consider any evidence of Dr Clarke or her other witnesses regarding the merits (or interpretational issues bearing on the merits) when conclusively determining the issue of selection⁵. The Tribunal

³ As well as a fifth selection decision by CNZ.

⁴ Where paras. [9] a-c were agreed between the parties.

⁵ Mr Lloyd submitted, and the Tribunal panel agrees with his submission, that the Tribunal has the expertise and capability to put out of its mind Dr Clarke's evidence when conclusively determining

panel considers it would not have been fair to either of the Interested Parties (in particular, Mr Bryant) despite them both having been joined as interested parties and having had the opportunity to put forward evidence or submissions on the merits.

11. To retain focus on the information and material before the Fourth Selection Committee, the Tribunal panel used and followed, where it considered it appropriate, the Fourth Selection Committee Selection Criteria Worksheet. That worksheet served as a base and guide from which the Tribunal panel worked. The Tribunal panel has then indicated where it has made adjustments to information or context, interpretations, or weightings as set out in red (refer to the header note). The Tribunal panel's Selection Criteria Worksheet (Tribunal Worksheet) is attached as Appendix A.

Selection decision with brief reasons

12. The Tribunal panel conclusively determines the order of selection as: Mr Westerby (5th – selected), Dr Clarke (6th – selected), and Mr Bryant (7th – not selected) as per the Tribunal Worksheet.
13. We appreciate that this selection decision may be deeply disappointing to Mr Bryant. However, we would encourage him to remain with the team, both for the positive influence that he can have on team environment, and because he may yet still be required if WCF do not accept Dr Clarke's substitution (i.e., the potential relief does not materialise) or there is otherwise another casualty within the New Zealand team.

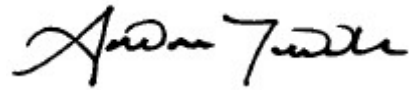
Directions

14. The Tribunal **directs** CNZ that Dr Clarke is to be selected into the 6th selection position of the 2026 New Zealand MacRobertson Shield team ahead of Mr Bryant.
15. CNZ is reminded that it has a duty to advocate to WCF for an interpretation of the MacRobertson Shield Regulations 2026 that might best allow for Dr Clarke's substitution into the New Zealand team. In providing that correspondence to WCF, the Tribunal **directs**:
 - a. CNZ to provide a copy of this Result Decision (including the Tribunal Worksheet – Appendix A) together with the Tribunal's Minute dated 22 July 2026 to WCF, no later than 48 hours ahead of the team registration deadline for the Second Test; and

selection which it had read and considered when determining whether any of the grounds of appeal were made out.

- b. CNZ and Dr Clarke to confer and agree to a timetable which allows Mr Hunt (on behalf of Dr Clarke) a reasonable opportunity to make any comment including proposing changes to the draft correspondence by CNZ to be sent to WCF; and
 - c. Leave is reserved to the parties to apply for urgent determination of any disputes over wording in the correspondence to WCF by the Acting Chair.
16. A written decision setting out the full reasons for allowing the appeal will be provided as soon as practicable.

Dated: 27 July 2026

A handwritten signature in black ink, appearing to read 'Andrea Twaddle', with a stylized, cursive script.

Andrea Twaddle
Acting Chair, for members of the
Tribunal Panel

Appendix A

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Criteria worksheet

Criterion 1. National event performance and results	
Source	2018 Selection Policy, cl 3.c.vi(a)
Wording	Performance and results in the specified national events in the 12 months prior to the selection meeting commencing, or the equivalent event based overseas, with no weighting to timing of events. Specified events: NZ Open / GC Nationals; NZ A vs B; NZ AC Invitations / GC Invitations; NZ Mens and Womens; North & South Island AC Championships & GC Grades.
Weighting / notes	No weighting to timing of events — an express requirement of cl 3.c.vi(a). Apply the agreed assessment window of 1 April 2024 – 28 February 2026.
Selectors' consideration — record reasons for each candidate	
No change to criterion information by ST Panel.	
Aaron Westerby	Good results without being great 5/10
Greg Bryant	Consistent results across a range of NZ tournaments. 6/10
Jenny Clarke	A very good 12 months. Winning the UK Women's and making the final of the UK Open. 8/10
Adverse-information check	
Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	

Criterion 2. International event performance	
Source	2018 Selection Policy, cl 3.c.vi(b)
Wording	Performance in International events in the previous 24 months.
Weighting / notes	Selectors' discretion as to weight. Apply the agreed window of 1 April 2024 – 28 February 2026.

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Selectors' consideration — record reasons for each candidate	
No change to criterion information by ST Panel.	
Aaron Westerby	No international events in this period
Greg Bryant	No international events in this period
Jenny Clarke	21 st in the AC Worlds
Adverse-information check	
Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	

Criterion 3. Form over the two preceding seasons	
Source	<i>2024 Campaign Announcement</i>
Wording	Form over the two preceding seasons will be given the most weight, in particular singles peeling performance against players above a 2100 DGrade.
Weighting / notes	To be given the MOST weight — an express requirement of the 2024 Announcement. Overlaps with criteria 1, 2 and 9; consider and record each separately.
Selectors' consideration — record reasons for each candidate	
No change to criterion information by ST Panel; change to ranking based on ST Panel's interpretation of the information.	
Aaron Westerby	57% singles win rate vs >2100 DG, close second on win rate 46% peeling conversion (of wins) Clearly the strongest performance of the 3 overall (1st) ST Panel agrees with the ranking provided to Mr Westerby (1st): • 2nd in singles win rate • 1st in peeling conversion (significantly better than other two athletes) • Overall: 2nd & 1st = 1st combined

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Greg Bryant	41% singles win rate vs >2100 DG, lower of the 3 with win rate 27% peeling conversion (of wins) Lower win rate offset by 2nd highest peeling % (2nd=) ST Panel disagrees with the ranking provided to Mr Bryant (2nd=): • 3rd in singles win rate • 2nd in peeling conversion • Overall: 3rd & 2nd = 3rd combined Explanation: Mr Bryant's 2nd in peeling conversion does not offset Dr Clarke's 1st in singles win rate. Dr Clarke has a 3 wins/1 loss record vs Mr Bryant – see pages 8-13 of the Selectors' Information Pack.
Jenny Clarke	59% singles win rate vs >2100 DG, strongest win rate of the 3 16% peeling conversion (of wins) Highest win rate offset by lowest peeling % (2nd=) ST Panel disagrees with the ranking provided to Dr Clarke (2nd=): • 1st in singles win rate • 3rd in peeling conversion • Overall: 1st & 3rd = 2nd combined Explanation: Mr Bryant's 2nd in peeling conversion does not offset Dr Clarke's 1st in singles win rate. Dr Clarke has a 3 wins/1 loss record vs Mr Bryant – see pages 8-13 of the Selectors' Information Pack.
Adverse-information check	
Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	
Criterion 4. Performance in the 2022 MacRobertson Shield team (if applicable)	
Source	<i>2024 Campaign Announcement</i>
Wording	Additional factor: performance in the 2022 MacRobertson Shield Team (if applicable).
Weighting / notes	Selectors' discretion.
Selectors' consideration — record reasons for each candidate	

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Additional context to criterion information by ST Panel.	
Aaron Westerby	55% singles win rate (Team rank 3)
Greg Bryant	57% singles win rate (Team rank 6)
Jenny Clarke	53% singles win rate (Team rank 2) ST Panel treats the above singles win rates as essentially even, noting the additional context that Dr Clarke played against higher ranked opponents compared to Mr Westerby and Mr Bryant based on their respective team rank positions – refer page 23 of the Selectors' Information Pack.
Adverse-information check	
Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	

Criterion 5. World ranking at commencement of the meeting	
Source	2018 Selection Policy, cl 3.c.vi(c)
Wording	World Ranking at the commencement of the selection meeting.
Weighting / notes	Selectors' discretion as to weight. DATA REQUIRED: current WCF world rankings for all three candidates — obtain from CNZ / Dr Roberts before Stage 2. The previous committee was found not to have considered this; we must.
Selectors' consideration — record reasons for each candidate	
No change to criterion information by ST Panel. As the ST Panel is basing its decision off the material provided to the Fourth Selection Committee, it retains the World Rankings as specified in the Fourth Selection Committee's Criteria Worksheet.	
Aaron Westerby	29 th (based on singles DG as at today)
Greg Bryant	38 th (based on singles DG as at today)
Jenny Clarke	23 rd (based on singles DG as at today)

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Adverse-information check	
Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	

Criterion 6. World ranking (additional factor)	
Source	<i>2024 Campaign Announcement</i>
Wording	Additional factor: world ranking.
Weighting / notes	Selectors' discretion. Overlaps with criterion 5; consider and record separately. ST Panel agrees that Criterion 6 is the same as Criterion 5. Records that Criterion 6 has not been re-considered or double counted; only considered at Criterion 5.

Selectors' consideration — record reasons for each candidate	
Aaron Westerby	Same as criterion 5
Greg Bryant	Same as criterion 5
Jenny Clarke	Same as criterion 5

Adverse-information check	
Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	

Criterion 7. Win/loss ratio over specified events	
Source	<i>2018 Selection Policy, cl 3.c.vi(d)</i>

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Wording	Win/loss ratio over specified events.
Weighting / notes	Selectors' discretion as to weight. ST Panel agrees that Criterion 7 is the same as Criterion 3. Records that Criterion 7 has not been re-considered or double counted; only considered at Criterion 3.
Selectors' consideration — record reasons for each candidate	
Aaron Westerby	Same as criterion 3
Greg Bryant	Same as criterion 3
Jenny Clarke	Same as criterion 3
Adverse-information check	
Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	

Criterion 8. Win/loss ratio against specific grade ranges	
Source	<i>2018 Selection Policy, cl 3.c.vi(k)</i>
Wording	Win/loss ratio against specific grade ranges.
Weighting / notes	Selectors' discretion. Overlaps with criterion 7; consider and record separately. ST Panel agrees that Criterion 8 is considered in Criterion 3. Records that Criterion 8 has not been re-considered or double counted; only considered at Criterion 3.
Selectors' consideration — record reasons for each candidate	
Aaron Westerby	Same as criterion 3
Greg Bryant	Same as criterion 3
Jenny Clarke	Same as criterion 3
Adverse-information check	

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	

Criterion 9. Specific abilities	
Source	<i>2018 Selection Policy, cl 3.c.vi(e)</i>
Wording	Specific abilities including: success rate of peeling (AC); roqueting / shooting ability; unforced errors; tactical knowledge; knowledge of laws and refereeing qualifications.
Weighting / notes	Selectors' discretion. The peeling element overlaps with the 2024 'singles peeling' element in criterion 3; record separately. ST Panel agrees that Criterion 9 peeling element is considered in Criterion 3. Records that Criterion 9 peeling element has not been re-considered or double counted; only considered at Criterion 3.
	Where a selector applies specialist knowledge that is adverse to a candidate, the adverse-information process applies.
Selectors' consideration — record reasons for each candidate	
ST Panel considers Mr Westerby and Dr Clarke to be equal in this criterion. Mr Bryant considered slightly below the other two given no current qualification.	
Aaron Westerby	Currently qualified as an AC referee Peeling. – covered in criterion 3 Roqueting / shooting ability, unforced errors - no data available (neutral for all) Tactical knowledge, knowledge of laws - all players at this level have good tactical knowledge and know the laws of the game (neutral for all)

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Greg Bryant	No current qualification. Peeling. – covered in criterion 3 Roqueting / shooting ability, unforced errors - no data available (neutral for all) Tactical knowledge, knowledge of laws - all players at this level have good tactical knowledge and know the laws of the game (neutral for all)
Jenny Clarke	English qualification equivalent to the New Zealand AC senior referee. Peeling. – covered in criterion 3 Roqueting / shooting ability, unforced errors - no data available (neutral for all) Tactical knowledge, knowledge of laws - all players at this level have good tactical knowledge and know the laws of the game (neutral for all)
Adverse-information check	
Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	

Criterion 10. Compatibility of doubles combinations and successful doubles play	
Source	<i>2018 Selection Policy, cl 3.c.vi(f)</i>
Wording	Compatibility of doubles combinations and successful doubles play.
Weighting / notes	Selectors' discretion. The previous committee was found NOT to have assessed 'successful doubles play'. Identify the actual doubles combinations likely to play at the Mac (cf. minutes 4.ii) and assess accordingly. Data sources: doubles results in the SIP; players' responses at SIP items 10–16.
Selectors' consideration — record reasons for each candidate ST Panel accepts analysis provided by Fourth Selection Committee and provides additional context/information from Selectors' Information Pack. ST Panel interprets 'successful doubles play' as: A win or runners-up in a doubles tournament.	

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Aaron Westerby	No upsets to note (>50 DG gap) Squad feedback has AW preferred to partner FW Successful doubles play (page 22 of the Selector's Information Pack): • None. ST Panel notes that the information for Mr Westerby on this criterion is limited compared with Mr Bryant and Dr Clarke.
Greg Bryant	1 win as underdog, 0 loses as favourite (>50 DG gap) Squad feedback has GB preferred to partner LM. GB / LM runners up in 2026 NZ Open doubles. Successful doubles play (pages 17-18 of the Selector's Information Pack): • North Island Doubles 2025 – Won with Paddy Chapman: wins with a higher Dgrade combined rating than all opposition. • NZ Open Doubles 2026 – Runners up with Logan McCorkindale: winning with a higher Dgrade combined rating over all opposition – except: losses to Paddy Chapman-Edmund Fordyce (-56 differential). • NZ Mixed Doubles 2026 – Runners up with Miranda Chapman: winning with a higher Dgrade combined rating over all opposition – except: losses to Jenny Clarke-Chris Clarke (-649 differential).
Jenny Clarke	2 wins as underdog, 6 loses as favourite (>50 DG gap) Squad feedback shows JC not a preferred partner across the squad. Some stated a clear preference not to partner JC. Successful doubles play (pages 19-21 of the Selector's Information Pack): • South Island Doubles 2025 – Won with Chris Clarke: wins with a higher Dgrade combined rating than all opposition. • NZ Open Doubles 2025 – Runners up with Chris Clarke: wins with a higher Dgrade combined rating over all opposition – except: loss to John Versey-Peter Parkinson (1211 differential) and losses to Paddy Champman-Logan McCorkindale (-2 differential).

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

	England Open Doubles 2025 – Runners up with Stephen Mulliner: wins with a higher Dgrade combined rating over all opposition, except 2/3 wins over Mark Avery-Jamie Burch (-356 differential) and losses to James Death-Samir Patel (-245 differential).
OVERALL	Successful doubles play: Overall ranking of successful doubles play: - Mr Bryant = 1st – based on more recent doubles play, no losses as favourite, and most TP peels performed. - Dr Clarke = 2nd – based on doubles wins are less recent (compared to Mr Bryant), tends to use a higher ranked Dgrade partner, and less TP peels performed (compared to Mr Bryant). - Mr Westerby = 3rd – limited evidence of successful doubles play within Selectors' Information Pack. Player responses: Player responses and squad preferences are given little weight by the ST Panel. That is because the ST Panel notes that 'preferences' are not the same as 'compatibility' and the attendant risk of athletes creating social cliques that self-select one another. The ST Panel considers that for a subjective criteria such as 'compatibility', especially at a high performance national level and in a turn-based sport such as croquet, there is a presumption that squad members can perform compatibly with one another, unless there is clear and compelling evidence to suggest otherwise. A preference alone does not meet this threshold. Selectors would need clear and compelling evidence backed up by formal notification to the athlete of the behavioural or incompatibility issues (e.g., established breaches of Code of Conduct behaviour) together with evidence of attempts by the sport to support the athlete to remedy the behaviour and/or incompatibility. The evidence within the Selector's Information Pack falls well below this standard with respect to Dr Clarke. Accordingly, the player responses and squad preferences are given little weight.
Adverse-information check	
Adverse information under this criterion?	Yes ☒ No ☐
If yes — nature of it and athlete affected	Each player is mentioned in the player feedback survey. Some more than others. Each player will get the opportunity to make comment, and their responses will be taken into account.
Sent to affected athlete for comment (date)	All 3 overnight 7/7

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Response received and taken into account (date)	Confirmed 9/7
--	---------------

Criterion 11. Doubles pairing dynamics	
Source	<i>2024 Campaign Announcement</i>
Wording	Additional factor: doubles pairing dynamics.
Weighting / notes	Selectors' discretion. Overlaps with criterion 10; consider and record separately. Any ranking by squad members of preferred doubles partners is adverse information where it counts against a candidate: disclose it, seek comment, and consider whether other sources should also be asked. ST Panel agrees that Criterion 11 overlaps, or is the same as, Criterion 10. Records that Criterion 11 has not been re-considered or double counted; only considered at Criterion 10.
Selectors' consideration — record reasons for each candidate	
Aaron Westerby	Same as criterion 10
Greg Bryant	Same as criterion 10
Jenny Clarke	Same as criterion 10
Adverse-information check	
Adverse information under this criterion?	Yes ☒ No ☐
If yes — nature of it and athlete affected	Same as criterion 10
Sent to affected athlete for comment (date)	Same as criterion 10
Response received and taken into account (date)	

Criterion 12. Performance under pressure	
Source	<i>2018 Selection Policy, cl 3.c.vi(g)</i>
Wording	Performance under pressure.
Weighting / notes	Selectors' discretion. The previous committee was found not to have addressed this — record the committee's consideration expressly.
Selectors' consideration — record reasons for each candidate	
Based on the information in this Criteria Worksheet and the Selector's Information Pack, the	

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

ST Panel has no material or data before it to consider for this criterion.	
Aaron Westerby	No data to assess for this criterion
Greg Bryant	No data to assess for this criterion
Jenny Clarke	No data to assess for this criterion
Adverse-information check	
Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	

Criterion 13. Presence promotes responsible and harmonious behaviour	
Source	2018 Selection Policy, cl 3.c.vi(h)
Wording	Presence in the team will encourage responsible and harmonious behaviour.
Weighting / notes	Selectors' discretion. A subjective / conduct criterion — the adverse-information process applies. Overlaps with criterion 14. The ST Panel gives limited weighting to this criterion.
Selectors' consideration — record reasons for each candidate ST Panel accepts the comments in relation to Mr Westerby and Mr Bryant. The ST Panel disregards the comments in relation to Dr Clarke. It substitutes its own for the following reasons: - The ST Panel does not consider the Fourth Selection Committee comments to be balanced. They omit any positive comments to Dr Clarke, despite there being some in both the 2017 and 2022 MacRobertson Shield Manager's reports. The ST Panel considers positive comments should be considered and accepted. - The ST Panel considers that if Dr Clarke's behaviour could have been fairly categorised as "consistent reporting of challenging relationships in team environments" then there either would have been evidence of Code of Conduct breaches by Dr Clarke or Croquet NZ seeking to raise and resolve these issues. There is no evidence of either, beyond a personal email from Mr Coutts to Dr Clarke – notably, no action being taken by Croquet NZ. - The ST Panel holds concerns about commentary around there being "concerns around compatibility and double pairings" which was already considered at Criterion 11; accordingly, the ST Panels concern is that there was a double-counting / consideration of this information by the Fourth Selection Committee.	

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

The ST Panel has considered Dr Clarke's responses to: (a) the 2017 Manager's Report and (b) the further request for information from Paddy Chapman, which contain the main concerns about evidence of prior "challenging relationships". The ST Panel considers the prejudicial comments from these sources are now historic (i.e., at least over 8 years old) and should be given very limited weight. Furthermore, the ST Panel considers that Dr Clarke's responses provide valid and legitimate explanation as to what took place. Accordingly, very little weight is given to the prejudicial information about Dr Clarke not promoting a responsible and harmonious environment.	
Aaron Westerby	Highly respected leader in previous MacRob teams. Players look up to him for advice. Presents as a calm and composed player under pressure. Plays an important team role both on and off the court.
Greg Bryant	A mentor to younger players. Uses experience to support others. A very experienced player who uses this to enhance the team.
Jenny Clarke	Consistent reporting of challenging relationships in team environments. A number of issues have been reported over time where team environments came under pressure. Squad feedback had consistent concerns around compatibility and doubles pairings involving JC. Team dynamics are seen by the SC as being of high importance. Consistent feedback showed JC to be a concern in this area and a challenge for team harmony. There is evidence that Dr Clarke: - has the ability, with support from her husband (Chris Clarke), to provide useful observations on opposition players and lawn conditions – refer 2022 Manager's MacRobertson Shield Report; and - can provide good written communication and speak well in official positions and team meetings and can be helpful and respectful to teammates – refer 2017 Manager's MacRobertson Shield Report. As per below, we likewise give this positive commentary little weight given its historic nature. We consider that reports of challenging relationships (from the 2017 Manager's MacRobertson Shield Report or earlier) are to be afforded very little weight, given the historic nature of these alleged behavioural concerns in circumstances where no action was taken by Croquet NZ. Taking into account Dr Clarke's responses, we consider her actions could be considered legitimate, and thus not able to be properly criticised, in circumstances where she spoke up to confront the inappropriate behaviours of other team members. Overall, we consider that Dr Clarke can bring positive attributes to a team environment, but give little weight to both the positive and negative commentary to sources of information from the 2017 Manager's MacRobertson Shield Report or earlier (e.g., Mr Chapman).

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Adverse-information check	
Adverse information under this criterion?	Yes ☒ No ☐
If yes — nature of it and athlete affected	Direct feedback from squad members about JCs previous interactions and team relationships
Sent to affected athlete for comment (date)	Yes 7/7
Response received and taken into account (date)	Yes 8/7

Criterion 14. Ability to contribute as a positive team member	
Source	2024 Campaign Announcement
Wording	Additional factor: ability to contribute as a positive team member.
Weighting / notes	Selectors' discretion. Overlaps with criterion 13; consider and record separately. Any reflections sought (e.g. from a past teammate) are adverse information where adverse: disclose, seek comment, and consider other sources. ST Panel agrees that Criterion 14 overlaps with Criterion 13. Records that Criterion 14 comments were considered at the same time under Criterion 13 to ensure no double counting.
Selectors' consideration — record reasons for each candidate	
Aaron Westerby	Seen as a valuable team member by his fellow players. Evidence of consistent contribution and engagement. Actively shared practice sessions and encouraged discussion. A positive influence on team environment.
Greg Bryant	A consistent contributor to squad interactions with evidence of contribution and engagement. Respected by peers and brings a quiet determination. Never give up attitude flows to others.
Jenny Clarke	On the review of the material there wasn't any evidence of proactive engagement with the squad prior to selection.
Adverse-information check	
Adverse information under this criterion?	Yes ☒ No ☒

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

If yes — nature of it and athlete affected	Arguably this is not engaged because the criterion looks for positive engagement, but to the extent that there was adverse information relevant to this factor it has been addressed under criterion 13 and the same process in terms of seeking feedback has been followed
Sent to affected athlete for comment (date)	Yes 7/7
Response received and taken into account (date)	Yes 8/7

Criterion 15. Compliance with the CNZ Players' Code of Conduct	
Source	<i>2018 Selection Policy, cl 3.c.vi(i)</i>
Wording	Compliance with Croquet NZ Players' Code of Conduct.
Weighting / notes	Selectors' discretion. A conduct criterion — the adverse-information process applies.
Selectors' consideration — record reasons for each candidate	
ST Panel accepts analysis provided by Fourth Selection Committee	
Aaron Westerby	No known issues
Greg Bryant	No known issues
Jenny Clarke	No known issues
Adverse-information check	
Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	

Criterion 16. Incorporation with the long-term selection plan	
Source	<i>2018 Selection Policy, cl 3.c.vi(j)</i>
Wording	Incorporation with long term selection plan.

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Weighting / notes	Selectors' discretion as to weight. The ST Panel notes the following wording of the Long Term Selection Plan: <i>"In the first instance the <u>best available players in terms of playing ability should be selected</u> for all team and individual events. While the selection policy permits <u>nonplaying factors</u> to be considered these <u>should only influence selection where these factors are compelling</u>. While permissible, a cautious approach should be adopted when promoting a developing player with good long term 'prospects', over an established player or player(s) who are widely accepted to currently be stronger than the developing player."</i> <u>[emphasis added]</u>
Selectors' consideration — record reasons for each candidate	
Aaron Westerby	1 of 3 experienced players for consideration
Greg Bryant	1 of 3 experienced players for consideration
Jenny Clarke	1 of 3 experienced players for consideration
Adverse-information check	
Adverse information under this criterion?	Yes ☐ No ☒
If yes — nature of it and athlete affected	
Sent to affected athlete for comment (date)	
Response received and taken into account (date)	

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

F. Decision and sign-off

Having worked through each criterion above, considered the relative importance of the criteria and the extent to which they interrelate and overlap, and having taken into account all responses received from the candidates, the committee's decision for places 5 and 6 is:

Place 5: Aaron Westerby

Place 6: Greg Bryant Jennifer Clarke

Summary of reasons (cross-referring to the criteria tables above):

1. The selection criterion and weighting guidance are collated from the CNZ Selection Policy 2018, the CNZ MacRobertson Shield Campaign Announcement 2024, and the CNZ Long Term Selection Plan 2018.
2. We consider there to be 'performance criterion' (worksheet criterion #1 to #12) and 'nonplaying criterion' (worksheet criterion #13 to #16).
3. We consider it to be clear that the selection criterion to be given the most weight is Criterion #3, based on the CNZ MacRobertson Shield Campaign Announcement 2024. More generally, 'performance criterion' are to be given more weight than 'nonplaying criterion' unless there are compelling factors, as set out by the CNZ Long Term Selection Plan 2018 (refer criterion #16).
4. The below table summarises the ST Panels criterion determinations and weightings based on the material above and the three relevant selection policies:

Criterion #	Ranking of Athletes	Weighting by ST Panel
Performance Criterion		
Criterion #1	<i>National event performance and results:</i> 1. Dr Clarke 2. Mr Bryant 3. Mr Westerby	Moderate weight
Criterion #2	<i>International event performance:</i> 1. Dr Clarke 2. Mr Bryant & Mr Westerby (equal)	Low weighting due to limited information
Criterion #3 (includes criterion #7, #8, #9 – peeling)	<i>Form over the two preceding seasons:</i> 1. Mr Westerby 2. Dr Clarke 3. Mr Bryant	Most weight
Criterion #4	<i>Performance in the 2022 MacRobertson Shield team:</i> 1. All athletes equal	Little weight, as all athletes are essentially equal as there are no material differences
Criterion #5 (includes criterion #6)	<i>World ranking at commencement of the meeting:</i> 1. Dr Clarke 2. Mr Bryant 3. Mr Westerby	Moderate weight
Criterion #9 (excludes peeling as considered at criterion #3)	<i>Specific abilities:</i> 1. Mr Westerby & Dr Clarke (equal) 2. Mr Bryant	Little weight, as all athletes are essentially equal as there are no material differences
Criterion #10 (includes criterion #11)	<i>Compatibility of doubles combinations and successful doubles play:</i> 1. Mr Bryant 2. Dr Clarke 3. Mr Westerby	Moderate weight
Criterion #12	<i>Performance under pressure:</i> 1. No data to assess	No weighting possible
Nonplaying Criterion		
Criterion #13 (includes criterion #14)	<i>Presence promotes responsible and harmonious behaviour & ability to contribute as a positive team member:</i> 1. Aaron Westerby 2. Greg Bryant 3. Dr Clarke	Little weight – no compelling factors

Note: This is a Word.docx version of the Fourth Selection Committee criteria worksheet. The Sports Tribunal panel ("ST Panel") comments are in **red only**

Criterion #15	<i>Compliance with the CNZ Players' Code of Conduct:</i> 1. All athletes equal – no Code of Conduct issues	Little weight – no compelling factors
Criterion #16	<i>Incorporation with the long-term selection plan:</i> 1. All athletes equal – 1 of 3 experienced players	Little weight – no compelling factors

5. The ST Panel determines that Mr Westerby retains the #5 selection position as he was ahead of both Dr Clarke and Mr Bryant in criterion #3, which must be given the most weight. However, we note that Dr Clarke comes close to displacing Mr Westerby as she sits ahead of him, or at worst even, in the remaining performance criterion. We acknowledge that, in the event of these two athletes being equal on performance criterion, that Mr Westerby's nonplaying criterion would elevate him above Dr Clarke. Accordingly, he retains the #5 selection position.
6. The ST Panels determines that Dr Clarke is to be selected in the #6 position ahead of Mr Bryant. Dr Clarke is ahead of Mr Bryant in criterion #1, #2, #3 and #5 of the performance criterion. Importantly, Dr Clarke is ahead of Mr Bryant in criterion #3, which must be given the most weight. Mr Bryant is ahead of Dr Clarke in the performance criterion #10 only and the nonplaying criterion #13. Remaining criterion are not materially different between the two athletes. Accordingly, we consider that Dr Clarke is to be selected ahead of Mr Bryant based on the analysis undertaken and that greater weight is to be given to the performance criterion, particularly criterion #3, over the nonplaying criterion.

See decision dated ~~10/7/2026~~ 27/7/2026

Signed by the members of the Sports Tribunal Panel

Sports Tribunal Panel: Andrea Twaddle (Acting Chair), Ruth Aitken DNZM, Sam Fellows

Date: 27 July 2026

~~Selection Committee #3: Luke Rive~~
~~Andrew Stuckey~~
~~John Versey~~
~~Roger Murfitt~~

Date: 10/7/2026