

BETWEEN **MARIO SCHMIDT**

Appellant

AND **BOWLS NEW ZEALAND**

Respondent

**DECISION ON JURISDICTION OF SPORTS TRIBUNAL
8 SEPTEMBER 2026**

Hearing 3 September 2026 – by Microsoft Teams

Present Mario Schmidt, Appellant
Mark Cameron (CEO, Bowls NZ), Respondent

Tribunal John Macdonald (Chair)

Registrar Luke Macris

Introduction

1. On 14 July 2026 the appellant, Mr Schmidt, filed an appeal with the Sports Tribunal (the Tribunal) against a decision of the respondent, Bowls New Zealand (BNZ), to uphold the suspension or termination of his membership by the Bluff Hill Bowling Club (BHBC).
2. The decision was conveyed to Mr Schmidt in an email of 30 June 2026 from Mr Cameron, the Chief Executive Officer of BNZ.
3. Mr Schmidt, who lives next to the BHBC, has been engaged in an acrimonious dispute with the club over his membership. It is a dispute that has been ongoing for quite some time, with the prospects of an amicable resolution appearing to be extremely remote.
4. There is a preliminary issue as to whether the Tribunal has jurisdiction to hear the appeal. In that regard Mr Schmidt must be able to point to some specific right of appeal to the Tribunal set out in the BNZ Constitution, the BHBC Constitution, or in some other rule or regulation.
5. Both Mr Schmidt and BNZ filed written submissions, and on 3 September 2026 I conducted a hearing (via Microsoft Teams) with Mr Schmidt and Mr Cameron with a view to determining the issue of jurisdiction.

Does Mr Schmidt have a right of appeal?

6. Rights of appeal exist under cl. 26 of the BNZ Constitution¹, which state:

26. Appeals

- 26.1. **Process:** The appeal process for appeals of decisions involving Misconduct, Disputes & Complaints shall be as follows:
 - a) Appeal to the Bowls New Zealand Judicial Committee: Where there is a Discipline matter which is decided by the Club or Centre Board (or committee on its behalf), any party affected by that decision may only appeal such decision to the Bowls New Zealand Judicial Committee in accordance with the Bowls New Zealand Regulations.
 - b) Appeal to the Bowls New Zealand Judicial Committee: Where there is a Discipline matter which is decided by Bowls New Zealand (or Bowls NZ Commissioner on its behalf), any party affected by that decision may only appeal such decision to the Bowls New Zealand Judicial Committee in accordance with the Bowls New Zealand Regulations.
 - c) Appeals to Sports Tribunal or equivalent statutory body: Where there is a Dispute, Complaint or Misconduct which is decided by the Bowls New Zealand Judicial Committee, any party affected by that decision may only appeal such decision to the Sports Tribunal in accordance with the Rules of the Sports Tribunal provided the rules of the particular event do not require otherwise.

¹ Adopted at the Bowls NZ AGM on the 13th or September 2025.

- d) No appeal right: There shall be no right of appeal from a decision of the Bowls New Zealand Judicial Committee, except an appeal to the Sports Tribunal (or equivalent statutory body).
7. BHBC has the exact same corresponding rights of appeal at cl. 25 of its own constitution.²
 8. Under cl. 26.1(c) and (d) of the BNZ Constitution, Mr Schmidt can only appeal to this Tribunal against a decision of the BNZ Judicial Committee.
 9. At this stage, however, the fundamental difficulty for Mr Schmidt is that there has been no decision made by the BNZ Judicial Committee. Mr Cameron's email of 30 June 2026 was not a decision by the BNZ Judicial Committee. Mr Cameron was merely expressing the views of BNZ.
 10. As to that email, it contained the following paragraphs:

Having considered the information provided, including your recent updates on external processes, Bowls New Zealand has now completed its review of this matter. This response constitutes the final determination you requested.

Bowls New Zealand supports the termination of your membership of the Bluff Hill Bowling Club. The position has been reached having regard to the overall circumstances, including the nature and content of ongoing communications and their impact on the club and its members (including yourself). Bowls New Zealand also considers that the matters raised largely relate to issues arising from your position as a residential neighbour of the club, rather than participation in the sport of bowls itself.

For clarity, your membership of the Bluff Hill Bowling Club is terminated, and this matter is now considered closed.

There is no further internal appeal process available within Bowls New Zealand in relation to this decision.
 11. Regrettably, the email appears to overlook an earlier decision of a BNZ Judicial Commissioner, by Mr James Keegan, dated 23 September 2025, which made it clear that suspension or termination of Mr Schmidt's membership under the Bluff Hill Bowling Club Constitution "can only be achieved if the behaviour [of Mr Schmidt] amounts to proven 'misconduct' under the Constitution and the proper disciplinary procedures as set out in the Constitution have been followed."³
 12. Mr Keegan's reasoning is sound and remains true. It is concerning that some 10 months later those disciplinary procedures have not been carried out, which means at this point the basis for the Club's decision to refuse to renew Mr Schmidt's membership has not been established.

² Constitution adopted at a Special General Meeting on 14 December 2024 – being the relevant and applicable constitution in force at the time of this dispute.

³ Refer para. [5] of the Judicial Commissioner decision dated 23 September 2025.

13. Furthermore, Mr Cameron was incorrect when he told Mr Schmidt in his email that “There is no further internal process available within Bowls New Zealand in relation to this decision.” As indicated, Mr Schmidt’s alleged misconduct can only be determined after the disciplinary procedures under the Constitution have been followed, and it is only once that outcome is known that a right of appeal to the Tribunal could arise.
14. As to Mr Schmidt’s current membership status, it appears to have been suspended, though this should not continue indefinitely. Mr Schmidt’s membership has certainly not been properly terminated.

Decision

15. Having considered the submissions of the parties along with the various documents filed, including the constitutions of BNZ and BHBC, I conclude that the Tribunal does not yet have jurisdiction to hear the appeal as internal BNZ appeal rights must first be completed.
16. I record my expectation that BNZ will promptly initiate and complete the internal procedure required by its Constitution and will do so in accordance with the principles of natural justice. I **direct** that if that process is not commenced by **30 September 2026**, then either party may apply for the matter to be brought back before the Tribunal.

Observation

17. As a final observation, I appreciate that the positions adopted by Mr Schmidt on the one hand and the BHBC and BNZ on the other might be firmly entrenched, but I encourage the parties to consider whether some amicable resolution (perhaps through mediation) might still be possible. The time to explore that possibility is likely to be far less than what will be required to carry out disciplinary and/or appeal procedures under the Constitution. Obviously, concessions would need to be made. I also appreciate, of course, that Mr Schmidt could join another bowling club in Napier, but I understand his reluctance to entertain that option, given his proximity to the BHBC.

Dated: 8 September 2026



John Macdonald
Tribunal Chair