BEFORE THE SPORTS TRIBUNAL
OF NEW ZEALAND

ST 14/26
ST 19/26

BETWEEN	**X ([redacted])**
	Appellant
AND	**THE UNION OF NEW ZEALAND KARATE ORGANISATIONS INCORPORATED (KARATE NZ)**
	Respondent
BETWEEN	**Y ([redacted])**
	Appellant
AND	**THE UNION OF NEW ZEALAND KARATE ORGANISATIONS INCORPORATED (KARATE NZ)**

REASONS DECISION OF SPORTS TRIBUNAL
20 OCTOBER 2026

Hearing	24 September 2026 – by Microsoft Teams
Present	[redacted] (mother of Appellant Y – "Mother Y"), representative for Appellant Y in ST19/26 Duane Monk (Coach of X), representative for Appellant X in ST14/26 [redacted] (father of Appellant X – "Father X") Rebecca Dobson (Selector and General Secretary), Karate NZ Leo Donnelly (Secretary, National Policy Council), Karate NZ
Tribunal	Warwick Smith (Acting Chair) Pippa Moore Dan Buckingham
Registrar	Luke Macris

Introduction

1. This Reasons Decision concerns two related appeals arising from the selection of New Zealand's sole representative in the Cadet Male Kata category for the 2026 World Karate Federation Cadet, Junior and Under 21 World Championships in Poland.

2. The matter involves competing claims by two talented youth athletes, Appellant X ([redacted]) and Appellant Y ([redacted]), and follows a sequence of decisions by The Union of New Zealand Karate Organisations Incorporated (referred to in these Reasons as "KNZ") including an original selection decision, its subsequent rescission, and a fresh selection decision following a playoff. Because the appeals concerned the same selection process and closely related issues, they were heard concurrently.

3. This Reasons Decision sets out the Tribunal's findings and explains why it considered the fresh selection decision was allowed to stand.

Background

4. As indicated above and in the Result Decision, this appeal relates to three significant decisions made by KNZ:

   a. An original selection decision, selecting Appellant Y, on 22 June 2026, and a later decision dated 1 July 2026 rejecting an appeal by Appellant X against that decision – collectively referred to in these Reasons as the "Original Decision";

   b. A subsequent rescission of the Original Decision dated 6 August 2026 – the "Rescission Decision"; and

   c. A fresh selection decision made, selecting Appellant X, on 12 September 2026, following a playoff/trial which had been held on 29 August 2026 – the "Fresh Decision".

5. The Tribunal's involvement began on 15 July 2026 when the Appellant X filed a Notice of Appeal (Form 3) challenging his non-selection in the Cadet Male Kata category; an appeal against the Original Decision. The grounds alleged that KNZ had not properly followed or implemented the applicable selection criteria and sought urgent determination before the World Championship registration deadlines. Appellant X identified Appellant Y as a potential interested party to the proceeding on the Form 3.

6. On 27 July 2026, Appellant X filed an Appeal Brief (Form 4) setting out a series of concerns relating to the operation of KNZ's points-based selection framework, the treatment of points accumulated in different age-group categories, the role of the KNZ Executive Board in the selection process, natural justice, and the adequacy of the

reasons provided for the selection outcome. Among other relief, Appellant X sought that the selection decision be set aside and remitted for fresh consideration.

7. While reviewing Appellant X's appeal, KNZ considered the selection process that it had adopted for the Original Decision. After that review, KNZ advised the Tribunal and Appellant X on 6 August 2026 that, following advice received regarding the interpretation of its Constitution, it had resolved to rescind its Original Decision and initiate a fresh selection process. KNZ proposed that the relevant National Selection Panels either make fresh selection decisions or, if necessary, conduct a playoff trial to determine the final selections. This became the decision later referred to by all as the Rescission Decision. It is worth noting that the Rescission Decision, while prompted by Appellant X's appeal, was rescinded largely based on matters identified by KNZ in its own internal review of the circumstances and procedure followed in respect of the Original Decision.

8. On 7 August 2026, the Tribunal Chair (John Macdonald) informed the parties that the proposed KNZ approach would, in substance, provide the remedy sought in Appellant X's appeal. He indicated that this approach was consistent with the ordinary Tribunal practice of remitting selection questions back to the relevant sporting organisation, while providing the following reminder to KNZ:

> The Chair reminds Karate NZ that this approach is likely to affect a number of athletes. Any communications regarding the proposed process should be open, transparent, and clear as to the reasons for adopting it. Karate NZ should also consider whether both written communications and in-person or online meetings are appropriate to ensure a shared understanding of, and confidence in, the process among all affected athletes.

9. Thereafter, Appellant X sought additional information from KNZ regarding the proposed replacement process, including the eligibility criteria, trial arrangements, selection panel composition, applicable criteria, and constitutional authority underpinning the proposed playoff process.

10. Following these exchanges, the Tribunal Chair convened a pre-hearing conference on 14 August 2026, where KNZ acknowledged that aspects of the constitutional selection requirements had been misunderstood and indicated that a fresh selection decision was required. The parties discussed the proposed playoff process and agreed that playoff trials should occur in both the Kata and Kumite divisions. In light of that discussion, the Tribunal adjourned proceeding ST14/26 to enable KNZ to conduct the replacement process and make fresh selection decisions. The Tribunal granted leave to any affected party to seek further Tribunal involvement if the agreed process did not proceed or if fresh grounds of appeal arose from the new selection process.

11. A playoff trial was subsequently held on 29 August 2026.

12. Following the playoff trial, Appellant Y, who had not previously been a party to the proceeding, sought clarification from the Tribunal concerning their status and whether they were entitled to participate in the proceeding. On 31 August 2026, the Tribunal invited Appellant Y to join as an interested party (Form 7 via email) and Appellant Y subsequently filed a Notice from Interested Party (Form 8) indicating they wished to participate in the proceeding.

13. Further concerns were raised regarding the progress of the fresh selection process and the impending World Championship registration deadlines. KNZ temporarily paused the finalisation of the fresh selection decisions while procedural issues raised by affected parties were addressed. In response, the Tribunal convened a further pre-hearing conference on 11 September 2026. At that conference, the Tribunal was advised that the fresh selection process had been completed but that the decisions had not yet been formally released. The Chair emphasised the need for any decision and reasons to be issued promptly so that any dissatisfied athlete could exercise any available appeal rights before the approaching event registration deadline. The Tribunal also heard concerns raised by Appellant Y's representatives regarding KNZ's authority to rescind the original selection decision, the absence of notice of that decision, and the process by which the replacement selection arrangements had been developed.

14. On 12 September 2026, KNZ issued its Fresh Decision, where Appellant X was now selected ahead of Appellant Y.

15. The next day, Appellant Y filed a Notice of Appeal (Form 3) challenging both the Fresh Decision as well as the earlier Rescission Decision, seeking to reinstate the Original Decision. The appeal alleged that the 6 August 2026 rescission was unauthorised and procedurally unfair, that Appellant Y had been denied a fair opportunity to participate in the development of the replacement process, and that the fresh selection decision may not have been made in accordance with the applicable selection procedure and criteria.

16. On 16 September 2026, Appellant Y filed an Appeal Brief (Form 4) expanding on those grounds and seeking orders setting aside both the fresh selection decision and the Rescission Decision. The Acting Chair (Warwick Smith) [1] directed an expedited

[1] The proceedings having been referred from the Chair to the Acting Chair.

timetable for the exchange of submissions and supporting material having regard to the event registration deadline.

17. At a further pre-hearing conference on 17 September 2026, the Acting Chair directed that ST14/26 and ST19/26 proceed together and be heard concurrently given the proceedings arose from the same selection process, involved the same athlete quota position, and concerned substantially overlapping facts and issues.

18. The combined appeals were heard by the Tribunal on 23 September 2026 by Microsoft Teams under urgency. Following the hearing, the Tribunal issued a Result Decision determining that the fresh selection decision made on 12 September 2026 should stand and that Appellant X be selected to represent New Zealand in the Cadet Male Kata category at the 2026 World Championships. These reasons explain that outcome.

KNZ Constitution and Selection Criteria

19. For the purposes of these appeals, the relevant provisions of the KNZ Constitution – being the powers available to the KNZ Executive Board (cl 11), rights of appeal to the Tribunal for selection decisions (cl. 22.3), and National Selection Panels (Appendix 3) – are set out below:

> **PART IV – GOVERNANCE, LEADERSHIP, AND THE EXECUTIVE BOARD**
>
> **11. POWERS AND RESPONSIBILITIES OF THE EXECUTIVE BOARD**
>
> **11.1 Powers of the Executive Board:** The Executive Board shall:
>
> (a) control and manage the affairs of Karate NZ;
>
> (b) exercise all such functions as may be exercised by Karate NZ other than those functions that are required by this Constitution to be exercised by a General Meeting of Members of Karate NZ;
>
> (c) have the power to perform all such acts and do all such things as appear to the Executive Board to be necessary or desirable for the proper management of the affairs of Karate NZ
>
> ….
>
> **22.3 Discipline, Disputes and Appeals**
>
> ….
>
> (b) **Disputes:** In the event of any complaint, dispute, doubt or difference arising out of the interpretation or application of this Constitution that is not within the jurisdiction of the Judicial Committee or a matter that is not provided for in this Constitution, then such dispute shall be referred to the Executive Board. The Executive Board shall determine the dispute or matter as it thinks fit. The Executive Board's decision shall be final and binding. Alternatively, if the parties to the dispute or matter agree to do so, then it shall be referred to the Sports Tribunal of New Zealand if it has jurisdiction to deal with it.
>
> ….
>
> (d) **Sports Tribunal of New Zealand:** If it is any other dispute, doubt or difference, or matter which is within the jurisdiction of the Sports Tribunal of New Zealand,

(including without limitation anti-doping violations arising out of any applicable regulations on anti-doping, appeals against selection or non-selection to a national team selected by Karate NZ, and any other sports-related matters) then either party may refer the matter to the Sports Tribunal of New Zealand.

….

APPENDIX 3 – NATIONAL SELECTION PANELS

….

2. National Team Selection Procedure and Criteria

(a) The principal criteria for selection shall be the athlete's most recent performances and placings in:

(i) International tournaments;

(ii) National Championships;

(iii) NZ Open;

(iv) Regional tournaments;

(v) National squad training;

(vi) Regional squad training; and

(vii) Karate NZ Athlete Policy.

(b) However, the final choice is the majority vote of the selection panel in determining the compatibility of the competitor with other team members, together with the selectors' considered opinion of the competitor's fitness level, whether he/she will peak for the tournament; whether the competitor's technical skill level is sufficient for the stated event, whether the competitor's level of control, mental application, attitude and fighting spirit would give them the ability to perform competitively at that particular competition, or any other relevant criteria as determined by the selectors.

(c) In the event that the selectors consider a playoff necessary, they will request in writing to the Executive Board for trials to be staged. Permission to stage Trials shall only be given by the Executive Board.

(d) Selected competitors not complying with the reasonable requirements of the Team Officials and of these bylaws may be replaced by other selected competitors.

(e) Any costs incurred by representative competitors shall be the personal responsibility of those competitors.

(f) Team members shall remit all necessary funding to Karate NZ as required.

(g) In the event of any dispute over selection criteria, the members in AGM will be the final arbiters.

(h) If requested, the National Selection Panel concerned must be given written reasons for selection decisions to the Executive Board.

(i) If an athlete is dissatisfied with the reasons given they can appeal to the Executive Board whose decision, after appropriate investigation and discussion with the selectors, shall be final.

20. The applicable KNZ selection criteria were those set out above at Appendix 3 of the KNZ Constitution.

Grounds of appeal

21. The grounds of appeal for Appellant X related to the Original Decision and were that the selection policy was not properly followed and/or implemented by KNZ.

22. The grounds of appeal for Appellant Y related to the Rescission Decision and Fresh Decision and were that:

    a. The Rescission Decision of Appellant Y's original Kata selection was not properly authorised and was procedurally unfair;

    b. Appellant Y and his parents were denied a fair opportunity to participate in an *ad hoc* replacement selection process that was developed and materially shaped without their involvement; and

    c. The fresh selection decision may not have been made in accordance with the required selection procedure and criteria.

Tribunal Analysis

Was the Original Decision validly made?

23. As noted above, KNZ itself says that it was not. On 6 August 2026, after Appellant X had filed his appeal, KNZ advised that it had resolved to rescind the Original Decision and to initiate a new selection process.

24. The evidence KNZ produced on the selection process leading up to the Original Decision was as follows. Separate selection panels met in June 2026 to select one athlete for each of the Cadet Male Kata and the Cadet Male Kumite classes. Following those meetings the convenor of the selection panels in both classes sent an email to the KNZ board dated 19 June 2026 reporting on the selection outcomes. The convenor asked the Board to approve certain selected candidates and then asked the Board for a "determination of the undecided candidates: [Appellant X and Appellant Y]".

25. The 19 June email contained quotes from the minutes of the meetings held by the selection panels. The minutes kept by the Cadet Male Kata selection panel referred to a selection panel meeting convened on 16 June 2026, attended by 3 of the 4 selectors, at which the candidates' qualification and points scoring histories were checked. The fourth selector was unable to attend this meeting for family medical reasons. A second Kata selection panel meeting was convened on 18 June 2026, with all four selectors present for the initial part of the discussion (the same selector who had been unable to attend the first meeting had other commitments and left the meeting after 30 minutes). The three remaining selectors then discussed the "last

category", being the selection decision that had to be made between Appellant X and Appellant Y. They noted that Appellant X had 870 points in the Cadet Male Kata class, while Appellant Y had accumulated 1,260 points in the (lower) 12-13 age group. One of the selectors ("Selector A") noted that Appellant X and Appellant Y had gained points solely from different age divisions – Appellant X had been competing in the Cadet division, and was leading on points in that division. Appellant Y had been competing in the 12-13 age group and was leading on points in that division. Appellant X and Appellant Y had not met in competition. Appellant X had won gold in the NZ Cup and the NZ Open in the Cadet class, while Appellant Y had won silver at the NZ Cup and the NZ Open in the 12/13 category. Selector A noted that both athletes had attended the Manila Youth League event, where Appellant X got through round 1 in the Cadet class, and Appellant Y got through 3 rounds in the 12/13 age group. Selector A noted that it was World Karate Federation ("WKF") policy for points to be halved when moving from one category to another if the move took place within the applicable point-gaining period. He suggested that that was exactly the situation the selectors were dealing with in their consideration of Appellant X and Appellant Y.

26. Selector A's suggestion to be fair to both athletes was a play-off, possibly a best of 3 Kata performance.

27. Another selector ("Selector B") was reported to be firm in his view that the points system should dictate the selection. However, he said that if a play-off were to take place, then it should be at a neutral venue with a neutral referee and neutral selectors.

28. A third selector ("Selector C"), was reported to be neutral, and was happy to go with points or a play-off. Her primary concern was to select the best athlete from KNZ.

29. The fourth selector ("Selector D") was the selector who could not attend the first meeting and was only able to attend the second meeting for the first 30 minutes. She was contacted after the meeting and expressed the view that a play-off was warranted in this instance. She noted that while Appellant Y had had more success in the Manila event, he and Appellant X had been up against very different competitors.

30. It is apparent from the foregoing that the selection panel in the Cadet Male Kata class had not reached any decision on which of the two athletes should be selected for the World Championship event at the time the convenor sent his 19 June 2026 email to the KNZ Board. Consistent with that, he invited the Board to make a determination on the "undecided candidates" (Appellant X and Appellant Y).

31. We accept the submission made by Mr. Donnelly for KNZ that the KNZ Board had no jurisdiction to make such a determination. Under Appendix 3, cl. 2(b), the final

(selection) choice was to be decided by the majority vote of the selection panel, and no such choice had been made at any time before KNZ made the Rescission Decision. Two of the four selectors wanted a play-off, and a third was neutral on it but would go along with it if that was the majority wish. Only one selector, Selector B, wanted the selection decision to be decided by the points system.

32. There was a role for the Executive Board in the Appendix 3 selection process, but it arose only after the selectors had made their decision and an affected athlete was dissatisfied with their reasons (Appendix 3, cl. 2(i)). That stage had not been reached when the Executive Board purported to select Appellant Y for the Cadet Male Kata class and Appellant X for the Cadet male Kumite class.

33. The foregoing is enough for the Tribunal to conclude that the Original Decision was made without jurisdiction and was accordingly ultra vires or procedurally invalid. There was some argument over the application of the points system, which had apparently been approved by the Executive Board of KNZ and notified to the athletes on 14 April 2026, but had not been approved by the members of KNZ at an AGM (as would have been required to effect an amendment to the KNZ Constitution provisions dealing with team selections). Indeed, improper application of the points system was the original basis for the appeal filed by Appellant X. It may or may not be that a KNZ selection panel is able to take an athlete's accumulated points into account indirectly under the very broad discretion given to the selectors in the last part of cl. 2(b) of Appendix 3, without the need for formal approval by KNZ at an AGM, but that is not something we need to decide in these appeals. The point here is that KNZ notified to the concerned athletes selection decisions that had simply not been made by the National Selections Panel, being the body charged with making such decisions under KNZ's constitution (regardless of whether the points system was applied).

34. The Tribunal accordingly concludes that KNZ was correct when it concluded, on carrying out its review, that the Original Decision had not been validly made.

Was the Rescission Decision validly made?

35. KNZ did not dispute the fact that Appellant Y and his parents were not notified, before the Rescission Decision was made, that KNZ was reconsidering removing Appellant Y's selection in the Cadet Male Kata class. It was accepted that they were not provided with any opportunity to make submissions on the proposed rescission of that selection decision. KNZ's position was that it became apparent on the review of the Original Decision (and the Executive Board's subsequent rejection of Appellant X's appeal against it) that the Executive Board had acted without authority when it made the

Original Decision, and that it was entitled under the KNZ Constitution to simply correct that error by rescinding the Original Decision.

36. Ground 1 raised in Appellant Y's appeal was that the Rescission Decision was not in fact authorised under the Constitution, and that it was also procedurally unfair. Appellant Y asked for an order setting aside the Rescission Decision and the Fresh Decision, and an order restoring Appellant Y's Cadet Male Kata selection position as it existed immediately before the Rescission Decision. In Appellant Y's appeal brief, the questions of whether KNZ was entitled to make the Rescission Decision, and whether it acted fairly when it did so, were identified as the "central issue" in the appeal. Appellant Y raised three questions in this part of his appeal:

    a. What provision of the KNZ Constitution authorised the Executive Board to remove Appellant Y's existing Kata selection?

    b. Why did the identified dispute concerning selection criteria require Appellant Y's existing selection to be rescinded?

    c. Why were Appellant Y and his parents not notified or given an opportunity to respond before the Rescission Decision was made?

    Appellant Y submitted that these questions were important, because the entire replacement process, including the 29 August 2026 play-off / trial and the Fresh Decision, arose directly from the Rescission Decision.

37. In Appellant Y's appeal brief it was acknowledged that Appellant Y was not taking the position that KNZ could never revisit a selection decision. The issue was said to be "*whether KNZ had a constitutional basis to rescind an existing selection in this case, and whether it acted fairly in doing so.*" Appellant Y noted that KNZ had initially considered his selection to be a decision that was reasonably open to the National Selection Panel and submitted that:

> …it remains unclear why the later criteria dispute required that existing selection to be removed. None of the provisions in Appendix 3 expressly states that the Executive Board may rescind an existing selection in these circumstances. [Appellant Y] was directly affected by the rescission but was not notified or given an opportunity to respond before [the Rescission Decision] was made. Clause 3.4 of the Constitution requires KNZ to act in accordance with the rules of natural justice when resolving disputes.

38. In Appellant Y's submissions in reply, Appellant Y submitted that the validity of the Rescission Decision remained a central issue and that the Fresh Decision could not simply be treated as curing or making irrelevant what had occurred before it.

39. KNZ filed statements of defence to the appeals of both Appellant X and Appellant Y. In each statement of defence, it stated that the Executive Board had misunderstood its

powers under the cl. 2 of Appendix 3 to the KNZ Constitution and that, after taking advice from the KNZ National Policy Council, it concluded that the Original Decision was ultra vires the Constitution and based on an error of law in its interpretation of the National Team Selection Procedure and Criteria set out in the Constitution. Specifically, the Board had incorrectly interpreted its powers under the Constitution as giving it power to act in place of the National Selection Panel and adopt a policy that purported to override clear criteria that had been adopted by members in General Meeting and enshrined in the Constitution. KNZ's statements of defence also stated that the Board had failed to note that the National Selection Panels had not in fact made a decision, and that a majority of selectors had recommended that a play-off be held (which required the Board to consider and either grant or decline permission for a play-off).

40. KNZ said in its statements of defence that the KNZ National Policy Council advised the Board that in circumstances such as the unintended error of law and failure to properly follow the applicable and mandatory selection criteria, the Board had the power to remedy the unintended error pursuant to its general discretionary power under cl. 12.1(c) of the Constitution "*to perform all such acts and do all such things as appear to the Executive Board to be necessary or desirable for the proper management of the affairs of Karate NZ.*" The Board accepted that advice and concluded that it had sufficient authority to remedy its errors by rescinding its decision to select Appellant Y for the Cadet Male Kata category. It relied on that view when it issued the Rescission Decision.

41. Considering these submissions, the Tribunal has considerable sympathy for Appellant Y, who was notified that he had been selected in the Cadet Male Kata category, and was not personally advised for somewhere around two months that his selection was being reconsidered. It appears that the communication was directed to Appellant Y's coach and it was not until 24 August 2026 that he and his parents were personally advised that a play-off would be held to determine which athlete would be selected. The difficulty, however, with the relief sought by Appellant Y is that, even if the Rescission Decision were set aside, there could be no basis on which the Original Decision could be allowed to stand. As explained above, the National Selections Panel had in fact made no decision selecting Appellant Y in the Cadet Male Kata class, and the purported decision the Executive Board made selecting him in that category was quite clearly beyond its powers under the Constitution. We did not understand Appellant Y to have argued the contrary, and it is difficult to see how he could have. If the Original Decision were allowed to stand, there would be an obvious injustice to

Appellant X – the National Selections Panel had in fact proposed (by majority) a play-off between him and Appellant Y, and it would not have been fair to him if, on the basis of the Executive Board's misconceived view of the extent of its powers under the Constitution, he was deprived of the opportunity to have the play-off question considered and decided by the Executive Board.

42. The Tribunal notes that its power to set aside a decision for invalidity, or on the basis of a failure of natural justice in the making of the decision, is a discretionary one. Both the decision to invalidate and the consequences of doing so are within the Tribunal's discretion. All events occurring after an impugned decision was made are potentially relevant, including events rendering a remedy futile or impractical.[2]

43. In the Tribunal's view, that is the situation here in respect of the Rescission decision – what the Rescission Decision did was to set aside or rescind a decision (the Original Decision) that was itself flawed and could not stand, and the Tribunal sees no practical point in setting aside a decision by the Executive Board (the Rescission Decision) which did no more than recognise that reality. It may or may not be that the Executive Board of KNZ had the authority under cl. 12.1(c) of the Constitution to remedy its earlier mistake as to the extent of its relevant jurisdiction, and it may or may not be the case that Appellant Y and his parents should have been given the opportunity to be heard on the issue of whether the Original Decision should be set aside before the Executive Board took that decision. But it would be futile for the Tribunal to decide either of those issues in favour of Appellant Y when to do so would only take the parties back to a decision (the Original Decision) that was quite clearly invalid and would have to be set aside by the Tribunal in any event. In the Tribunal's view the better course is to exercise its discretion against setting aside the Rescission Decision, or granting any other remedy in respect of it. The Rescission Decision will therefore be allowed to stand.

Ground 2 of Appellant Y's Appeal

44. Ground 2 of Appellant Y's appeal was that Appellant Y was denied a fair opportunity to participate in an *ad hoc* replacement selection process that was developed and materially shaped through discussions involving the other parties. In his Appeal Brief, Appellant Y submitted that the replacement process was not a fixed, predetermine procedure. Its scope and details were said to have evolved through discussions

[2] *Joseph on Constitutional and Administrative Law* (Thomson Reuters, 5th ed. 2021), at [22.10.4], referring to *Martin v Ryan* [1990] 2 NZLR 209 (HC) at 237. Examples of proceedings where the Tribunal have exercised this type of discretion include *Henderson v NZ Water Polo*, ST12/15, 29 July 2015 and *Sarah Her-Lee v Table Tennis New Zealand*, ST08/14, 2 July 2014, where 'materiality' and pragmatic considerations were taken into account as to whether the outcome would have been the same irrespective of deficiencies in the selection process implemented.

between KNZ, Appellant X and his representative. Appellant Y argued that Appellant X's representatives had the opportunity to raise questions about the scope, criteria, weighting, panel and trial arrangements, while Appellant Y had no equivalent opportunity. By the time the Appellant was notified of the trial, the replacement process had already been substantially developed, and Appellant Y had not been told that his original Kata selection had been rescinded.

45. KNZ said in its statement of defence that, after the Rescission Decision was made on 6 August 2026, it communicated with the coaches of *both* athletes about the proposed play-off arrangements, and that it assumed (incorrectly as it turned out) that Appellant Y's coach would communicate with Appellant Y's parents about these arrangements. KNZ said that Appellant Y's coach took the view that he had a conflict of interest, as he is also the President of KNZ[3], and out of an abundance of caution he elected to deal with his conflict concerns by not communicating directly with Appellant Y's parents on any matters to do with the then-pending appeal by Appellant X against his non-selection in the Cadet Male Kata class.

46. KNZ said in its statement of defence:

> i. [Appellant Y's] coach was however fully engaged in the confirmation of the trial / play-off procedure and was able to prepare [Appellant Y] accordingly without any prejudice or disadvantage to [Appellant Y] in the manner claimed in the Notice of Appeal.
>
> ii. In hindsight, the [KNZ] Board accepts that it should have communicated with [Appellant Y's] parents at the outset about the play-off arrangements before those final arrangements were confirmed. While [Appellant Y's] coach was fully engaged so that the athlete suffered no prejudice in his preparation (the play-off coincided with the [KNZ] National Championships), [KNZ] accepts that [Appellant Y's] parents feel that they were not given the same opportunity to express their opinions as [Appellant X's] father, even though their son's coach was fully engaged in the final agreement as to a fair and transparent play-off procedure.
>
> iii. The Board regrets its oversight and apologises to [Appellant Y's] parents.
>
> iv. However, the Board is assured that [Appellant Y's] coach and coaching support had full input into the arrangements for the play-offs and had managed the Appellant's preparation for the play-offs accordingly.....The Board is satisfied that there was no disadvantage to either [Appellant Y] or [Appellant X] or their coaching support in the final arrangements for the play-off procedure at the [KNZ] National Championships.

47. In his reply submissions, Appellant Y repeated the concern that his parents had not had the opportunity to be involved in the discussions relating to the replacement selection process. He submitted that his coach had never been authorised to represent him in those discussions. He asked rhetorically: "*When did [his coach] become*

[3] KNZ said that Appellant Y's coach is the National President of KNZ and that he declared a conflict of interest and took no part in the decisions made by the KNZ Executive Board relating to selection issues affecting Appellant Y.

involved, in what capacity, and what had already been decided by that stage?" While KNZ's apology for not communicating directly with Appellant Y's parents was appreciated, the apology did not cure the procedural disadvantage and unfairness that had already occurred to Appellant Y.

48. The General Secretary of KNZ sent an email to Appellant Y at what appears to be his Mother Y's email address, on 24 August 2026. The email began:

> Following the recent discussions and the Sports Tribunal meeting, we are writing to confirm the arrangements for the upcoming trial / play-off process, which will take place on Saturday during Nationals....You will be asked to perform all five of your competition Kata as part of the assessment.

It appears that there must have been some earlier discussion between KNZ and Appellant Y or Mother Y on the subject of the play-off, as the General Secretary's email concluded by expressing KNZ's appreciation of:

> …your cooperation with this process and your commitment to participating. The purpose of the trial / play-off is to provide a fair and transparent opportunity for the selectors to assess performance in a competitive environment before making their fresh selection decisions.

49. The KNZ General Secretary provided further details of the play-offs by email dated 27 August 2026.

50. Early on Saturday 29 August 2026, the General Secretary wrote a further email to "Karate NZ Administration", in which she reported that:

> Further to the verbal discussions and agreement with [Appellant X and his father] and [Appellant Y and his father], and confirmation with the selectors, the Cadet Male Kata play-off / trial will take place on Tatami at 10.45 am.

51. The Tribunal did not receive any statement of evidence from Appellant Y's father, and he did not participate in the Tribunal hearing held on 23 September 2026. But on the face of it, this email appears to suggest that verbal agreement had been reached between the two athletes and both of their fathers, that the play-off / trial should proceed the following day as proposed.

52. On 30 August 2026, the day after the play-off had taken place, Appellant Y's parents sent an email to the KNZ General Secretary thanking KNZ for arranging the play-off / trial. Appellant Y's parents indicated that they wanted to "formally record" the circumstances of their son's participation in the play-off / trial and seek clarification of several aspects of the process. They went on to say:

> Given the very limited timeframe and the potential consequences of non-participation, we did not consider declining to participate to be a realistic option. [Appellant Y] participated to cooperate with [KNZ] and protect his existing selection position. His participation should

> therefore not be interpreted as informed or voluntary agreement to the introduction or procedural basis of the play-off / trial.

Referring to the Sports Tribunal appeal that had been commenced by Appellant X, Appellant Y's parents referred to a pre-hearing conference that had taken place, and to a notification that referred to "arrangements agreed with the coach [an apparent reference to Appellant Y's coach] during the pre-hearing conference". Appellant Y's parents said:

> We do not raise any concern regarding the coach's participation but would appreciate clarification as to whether any such agreement was intended to constitute agreement on behalf of [Appellant Y].

53. Appellant Y's parents also requested details of any request made by the selectors to the Executive Board for the staging of a trial. The email concluded with the statement that:

> ...[Appellant Y's] participation in the trial should not be interpreted as acceptance of the procedural basis or fairness of the trial, or as a waiver of any rights or concerns relating to the selection process or ongoing Sports Tribunal proceedings.

54. The first point to be made on this ground of appeal is that neither of the athletes (or their parents) had any right under the Constitution to be consulted about the arrangements for the play-offs. What appears to have happened is that Appellant X's parents became involved because they were by then representing their son in his appeal to the Sports Tribunal concerning the selection process, and KNZ appears to have been focussing solely on the resolution of that appeal. Appellant Y was not involved in the proceedings at that point. He only applied to become an Interested Party in the appeal brought by Appellant X after the play-off had been held on 29 August 2026. However, we accept that, once KNZ had elected to engage with Father X over the play-off arrangements it should also have afforded the same opportunity to Appellant Y's parents. And, of course, it should have notified Appellant Y and his parents about the Rescission Decision and the decision to hold a play-off between the two athletes promptly after that decision was made. As it was, Appellant Y and his parents appear to have been unaware that Appellant Y's original selection in the Kata class had been rescinded until Monday 24 August 2026, five days before the play-off was scheduled to take place.

55. However, KNZ did promptly notify Appellant Y's coach of the Rescission Decision and the decision to hold a play-off between the two athletes, and its communication to Mother Y on 24 August 2026 did make it clear to her and Appellant Y that the purpose of the play-off / trial would be to "*provide a fair and transparent opportunity for the selectors to assess performance in a competitive environment before making their*

fresh selection decisions". It must have been obvious to Appellant Y and his parents from this email (and presumably from the discussion that had apparently preceded it) that the selection of Appellant Y in the Cadet Male Kata class was being considered afresh. The 24 August email also thanked Appellant Y's parents for committing to have Appellant Y participate in the play-off.

56. In his appeal, Appellant Y has not pointed to anything unfair in the actual running of the play-off between Appellant Y and Appellant X on 29 August 2026. Nor was there any evidence from Appellant Y or from his coach (or from anyone else) that Appellant Y's performance in the trials was adversely affected by the relatively late notice of KNZ's decision to set aside the Original Decision and to hold a play-off. Appellant Y's coach appears to have been aware from not long after the Recission Decision was made that there would be a play-off, and he presumably continued training Appellant Y with that in mind. Rather, Appellant Y's concerns have been directed to the period before 24 August, and in particular KNZ's failure to notify or explain to Appellant Y its decision to set aside his selection in the Kata class before that date, and its decision to institute an apparently new "ad hoc" selection process which would include a play-off.

57. KNZ's fault on this part of the appeal may be summarised by saying that it failed to promptly advise Appellant Y and his parents of the Rescission Decision and the reasons for it after that decision was made, and that it engaged with Father X on the details of the play-off without affording the same opportunity to Appellant Y's parents to make suggestions. KNZ says that it assumed that its notification of the Rescission Decision to Appellant Y's coach would be passed on by him to Appellant Y and his parents. In the event, that did not apparently happen, but there is no suggestion that KNZ knew and intended that the advice would not be passed on by the coach. In the end, if there was a breach of natural justice by KNZ (as contended in Ground 2 of the appeal) it consisted in its delay in notifying Appellant Y and his parents of the Rescission Decision for 18 days (from 6 August to 24 August 2026), and its continuing engagement with Father X on the details of the play-off arrangements. But in circumstances where Appellant Y's coach was promptly made aware of the Rescission Decision and participated fully in settling the arrangements for the play-off, Appellant Y has not shown that those procedural faults by KNZ affected the outcome of the Fresh Decision, or that they were sufficiently substantial to justify the Tribunal exercising its discretion to set aside the Fresh Decision.

58. There is one further matter that is relevant to the exercise of the Tribunal's discretion on Appellant Y's Appeal Ground 2. At no time after they became aware (on 24 August

2026) that there would be a fresh selection process in the Kata class did Appellant Y's parents give KNZ any indication that they did not accept that there was a need for a fresh selection process, and that their son would participate in the play-off only under protest. They had four days to raise their concerns with KNZ before the play-off, but they did not do that. Instead, they appear to have given KNZ the impression that the play-off could proceed with their blessing. As late as the morning of the play-off itself KNZ's General Secretary was reporting to the KNZ administration personnel that agreement to the play-off had been reached verbally with the fathers of both athletes. KNZ went ahead with the play-off, and Appellant X participated in it, apparently operating in the good faith belief that Appellant Y had agreed to the play-off process without qualification. The Tribunal can well understand that Appellant Y and his parents may have been confused by the turn of events on 24 August, when they were told that there would need to be a fresh selection in the Kata and Kumite classes, but in the Tribunal's view the correct response for them would have been to follow up on their concerns with KNZ immediately and obtain such explanations that they could. In the Tribunal's view both KNZ and Appellant X should have been made aware of any conditions or qualifications on Appellant Y's agreement to participate in the play-off, before the play-off took place.

59. In exercising its discretion to decide whether or not to grant relief for any procedural invalidity or breach of natural justice the Tribunal is entitled to take into account all of the relevant circumstances. In this instance, the Tribunal considers that Appellant Y's decision to participate in the play-off without making it clear beforehand that he was doing so only under protest must also weigh against him in the consideration of whether any relief should be granted on this appeal ground.

60. For those reasons, the Tribunal determines that Appellant Y has not made out a case for any relief on this ground of appeal.

Ground 3 of Appellant Y's appeal

61. Appellant Y's appeal ground 3 was that the fresh Kata selection decision may not have been made in accordance with the required selection procedure and criteria. In his appeal brief, he submitted that the Fresh Decision stated only that the National Selection Panel considered the applicable Selection Criteria and the outcome of the 29 August play-off / trial. The Fresh Decision did not explain which criteria were applied, how those criteria and the play-off / trial were weighted, or how the Panel reached its decision.

62. In its statement of defence, KNZ denied this appeal ground and stated that the Fresh Decision was made by the National Selection Panel in accordance with the National Team Selection Procedure and Criteria which are set out in cl. 2 of Appendix 3 to the KNZ Constitution. With its defence, KNZ submitted written reasons provided separately by each of the 3 selectors who made up the Kata selection panel. KNZ stated that the selection panel, who observed the play-off, were fully briefed by the convenor about the need to exercise their judgment in accordance with the criteria set out in cl. 2 of Appendix 3, and that there was nothing in the written reasons provided by the three selectors to suggest that they did not properly follow and implement the selection procedure. The statement of defence also noted that the decision of the three selectors who made the Fresh Decision was unanimous in favour of selecting Appellant X in the Cadet Male Kata class.

63. In his submissions in reply, Appellant Y argued that there had been no valid written request to the Executive Board by the selectors for a play-off (as required by cl. 2(c) of Appendix 3 to the Constitution, and there was accordingly no basis on which the Executive Board could have given permission for the staging of the play-off / trial. Appellant Y contended that the KNZ defence did not provide the Selection Panel's formal determination that a play-off was necessary, the written request required by cl. 2(c), or the Board record approving the request. Appellant Y submitted that the June 2026 materials produced with KNZ's defence show that there were different views among individual selectors, and the minutes of the selection panel that were provided are not the same as the formal request that cl. 2(c) of Appendix 3 requires. Nor did KNZ produce evidence of any fresh formal request after the 6 August Rescission Decision. Finally on this point, Appellant Y submitted that the play-off was "approved" does not itself prove that "the constitutional trigger" was properly followed.

64. Addressing first Appellant Y's submission relating to KNZ's alleged failure to follow the procedures set out in cl. 2(c) of Appendix 3, we do not think there is any substance in this argument. It is correct that when the relevant selection decision was considered in June 2026 Selector A wanted a play-off while Selector B would have proceeded to a decision based on the points system. At that stage it appears that Selector D had left the meeting, and it would have been known that Selector D's vote would have to be sought and obtained after the meeting. In those circumstances Selector C said that she was neutral but would be happy to go with either points or a play-off. In the Tribunal's view, Selector C was effectively saying that she would "go with" the majority view of her fellow selectors, which would effectively be determined by the view (points system or play-off) of Selector D. As Selector D's vote was in favour of a play-off, the

Tribunal is satisfied that a majority of the Selection Panel were in favour of a play-off. Selector A, who kept the minutes of the 18 June meeting, duly recorded the vote of Selector D in the Minutes and then said: "*Please forward this email to whoever is necessary for a decision to be made*."

65. The minutes of the Kata selection panel were forwarded to the Executive Board by the convenor on 19 June 2026, so the Board then had in its possession a written document in which a majority of the Kata selection panel had made it clear that they wanted a play-off to be staged to assist the selection decision. In his covering email to the Executive Board attaching a copy of the Minutes, the convenor first asked the Board to "approve" certain (other) candidates who had been "selected". He then requested the Board to make a "*determination of the undecided candidates: [Appellant Y and Appellant X]*". The convenor did not ask the Board to "select", or "approve the selection of", Appellant X or Appellant Y – he simply asked the Board to make a "determination" in respect of Appellant Y and Appellant X.

66. Given the contents of the selection panel's minutes (which the Executive Board had before it), the determination, or "decision", the Board was being asked to make could only have been a decision on the question of whether or not there should be a play-off between Appellant Y and Appellant X. The Board duly made that determination by Executive Board resolution, as advised in the General Secretary's email to the Tribunal dated 6 August 2026. In that email, the General Secretary said:[4]

> In light of the additional advice, **the Executive Board has resolved**, in all the circumstances of this particular selection process, to rescind its previous decision regarding [Appellant Y and Appellant X] and request the National Selection Panel to stage trials to facilitate a fresh selection process for the Cadet Kata and the Cadet Kumite events. At this time, neither athlete will be confirmed as selected for either the Cadet Kata or the Cadet Kumite divisions (**emphasis** added).

67. For those reasons, the Tribunal does not accept Appellant Y's submissions that there was no valid request by the Kata selection panel for permission to stage a play-off or trial between the two athletes, or that KNZ did not validly give that permission. The request for permission from the selectors to hold a trial may have lacked formality, but the law does not generally demand procedural perfection from small organisations, often run by volunteers who are not lawyers, in the making and documenting of decisions such as this, at least as long as the intention is clear. In this case, the Tribunal considers that the Kata selection panel did clearly express the (majority) view that there should be a play-off, and it asked that that view be conveyed to whoever

[4] Although no copy of the Executive Board resolution was produced, KNZ has been represented in these appeals by a qualified solicitor, and the Tribunal has no reason to doubt that a resolution was duly passed as stated by KNZ in its 6 August 2026 email to the Tribunal.

was the appropriate party to make a decision. The convenor then communicated the selectors' majority view to the Executive Board with a request for a "determination" that, in the context, should have been understood by the Board as a determination on the question of whether permission should be given to hold the play-off.

68. Appellant Y's second argument on this ground was that the selectors' assessment methodology remained unclear, notwithstanding the individual written reasons provided by each selector. Appellant Y submitted that "*Those reasons explain individual selector views, but unanimity of outcome does not establish consistency of method".*

69. The Tribunal does not consider that there is anything in this argument. It is clear from the material provided by KNZ that the Kata selection panel members were reminded in writing that they were required to consider not only the play-off but all of the criteria in clauses 2 (a) and (b) of Appendix 3, and there is no evidence that any of the selectors failed to do that, or that they considered irrelevant matters. The selection criteria do not prescribe any assessment methodology that the selectors were required to follow – they give a broad discretion to the selectors, and it is not for the Tribunal to substitute its own views for those of the selectors on such matters as the weight to be attributed to each of the criteria.[5]

70. For those reasons, the Tribunal determines that Appellant Y has not made out a case for any relief on Ground 3 of his appeal.

Final Observations

71. The Tribunal considers that this has been a most unfortunate set of circumstances, and it has considerable sympathy for Appellant Y. He was initially selected to represent New Zealand at an overseas pinnacle youth event, only to have that selection reversed due to a significant procedural KNZ error. We appreciate the hard work and excitement that Appellant Y must have experienced to prepare for the event. And we have noted Mother Y's advice to the Tribunal that significant flight and accommodation costs had to be paid following their son's selection to attend the event. Unfortunately, KNZ's process went awry at the outset, when it notified the parties of a decision that had not in fact been made by the selectors and which the Executive Board was not empowered

[5] As the Tribunal said in *Scott Columb v Motorcycling New Zealand*, ST15/16, 9 September 2026 at [25], it is not for the Tribunal to substitute its own view on [such] issues for the selector's view, because "the particular weight to be given to individual matters is by the nature of a selection process a matter for the selectors to consider". And in *Sarah Her-Lee v Table Tennis New Zealand*, ST08/14, 2 July 2014 at [12] the Tribunal considered that it was not appropriate for it to "second guess the assessment made by the selectors who are undoubtedly more expert in assessing the relative merits of performances and prospects."

to make in their place. That position was then compounded by KNZ's failure to sufficiently explain the situation which had developed to Appellant Y and also, importantly given he is a minor, to his parents.

72. KNZ unreservedly apologised to Appellant Y for these mistakes, and we think it was entirely appropriate for it to have done so. As it developed, this became a challenging situation for KNZ to navigate; requiring a clear understanding of the relevant rules governing selection, and open and clear communications to ensure understanding and buy-in from the athletes and their families. While we are satisfied that none of those who were involved at KNZ acted in bad faith, we consider KNZ fell well short on those aspects, and it is understandable that Appellant Y's parents felt left out and excluded from what was taking place.

73. Despite KNZ's initial substantial error and its subsequent communication shortcomings, it must be kept in mind though that Appellant X was also entitled to a fair process and outcome. And likewise for the sport, it is important that the best New Zealand athlete, based on performance and merit, be selected and attend the event. In the end, Appellant X was selected unanimously for the available Kata slot, and there is no evidence that the Kata selectors failed to follow and apply the applicable selection criteria in making that decision.

Decision

74. For these reasons, the Tribunal determined that the Fresh Decision must stand, and that Appellant X was validly selected to represent New Zealand in the Cadet Male Kata category at the WKF Cadet, Junior and Under 21 World Championships 2026.

75. Appellant Y's appeal against the making of the Rescission Decision and the Fresh Decision is accordingly dismissed. In light of that outcome, no orders are now required on Appellant X's appeal.

76. The Tribunal reserved the issue of costs. On that issue, the Tribunal reminds the parties of r. 30(b) of the Tribunal Rules, which states:

> The parties are encouraged to resolve the issue of costs between themselves as the Tribunal's usual approach is that costs will lie where they fall. If a party wishes to bring a costs application to the Tribunal this must be made within 14 days of the release of the final decision.

77. KNZ may wish to consider whether it would be appropriate to agree to reimburse Appellant Y for some or all of the actual and reasonable expenses incurred by Appellant Y's family in reliance on the Original Decision. Beyond that observation, we leave the issue of costs for discussion between the parties in the first instance, and the

timely filing of any costs application if the parties are unable to agree and a Tribunal costs determination is required.

Dated: 20 October 2026



Warwick Smith
Acting Tribunal Chair



Pippa Hayward
Tribunal Member



Dan Buckingham
Tribunal Member