

BETWEEN	JENNIFER CLARKE Appellant
AND	CROQUET NEW ZEALAND Respondent
AND	AARON WESTERBY Interested Party
AND	GREG BRYANT Interested Party

**MINUTE
22 JULY 2026**

Hearing	22 July 2026 – 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) Dr Graeme Roberts, Board Member for Respondent
Tribunal	Andrea Twaddle (Acting Chair) Ruth Aitken DNZM Sam Fellows
Registrar	Luke Macris

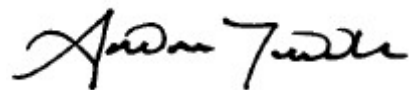
1. Following the adjournment of the hearing at 2pm today, the Tribunal issues the following Result decision and directions as set out in this Minute.
2. The Tribunal panel considers there has been a breach of natural justice by CNZ in the process adopted by the Fourth Selection Committee.
3. The Third Appeals Committee decision at para. [100] stated that:

The appellant continues to be excluded from membership in the team to compete in the MacRobertson Shield Tournament pursuant to an inadequate and flawed process. In any further selection process, the procedure should be fair; reflect the requirements of natural justice (which, in this case, requires the abandonment of the 2017 Manager's Report in any information pack for the decision-makers) and ensure application of the applicable selection criteria.

4. That flawed process was not remedied by the Fourth Selection Committee. That committee had previously sighted the 2017 Manager's Report in circumstances where Dr Clarke had not been given an opportunity to comment on the adverse material in that report. Dr Clarke has still not been given an opportunity to comment on the report, and the Tribunal does not presently consider that this information could have been cast out of the Fourth Selection Committee's mind in light of the decisions of the Second and Third Appeals Committees. Accordingly, the process remained unfair.
5. The panel considers the breach could have been remedied either:
 - a) by convening a new selection committee that did not include the 2017 Manager's Report in the information pack and had never been seen by this new committee; or
 - b) by having the Fourth Selection Committee put the 2017 Selector's Report to Dr Clarke for comment and then properly considering and incorporating her reply in its decision-making.
6. Unfortunately, neither of these potential options took place.
7. The Tribunal now intends to remedy the defect, and the Acting Chair **directs** (all dates/times in NZST):
 - a) CNZ are to provide a copy of the 2017 Manager's Report to the Tribunal and Dr Clarke by **8pm tonight (22 July)**;
 - b) Dr Clarke is to provide any written comments in response to the report by **midday tomorrow (23 July)**; and
 - c) The hearing will reconvene at **6pm tomorrow (23 July)** for the parties to be heard on:
 - (i) Any oral response that Dr Clarke wishes to provide in response to the 2017 Manager's Report;

- (ii) the issue of eligibility;
 - (iii) the appropriate procedure to be adopted under Tribunal Rule 60, including which material which should be before the Tribunal in making a selection decision if Tribunal Rule 60(b) is engaged.
- 8. If a party considers any additional material should be before the Tribunal if it were to engage Tribunal Rule 60(b), it should be prepared to provide a copy to the Tribunal at the commencement of the reconvened hearing tomorrow.
- 9. The Acting Chair requests that Mr Lloyd ensure that Mr Bryant is aware of the substance of these topics to be covered at the reconvened hearing. She acknowledges his decision not to participate in the proceedings today, except via brief submissions of his counsel, but wishes to ensure that he is notified of the matters to be discussed, so he may properly consider whether he wishes to participate.
- 10. Full reasons for the Tribunal's decision-making will, of course, be provided as soon as practicable following final determination of this proceeding.

Dated: 22 July 2026



Andrea Twaddle
Acting Chair, and for members of the
Tribunal Panel