

MEDIA RELEASE

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Sports Tribunal upholds appeal by marathon runner against non-nomination for Olympics

The Sports Tribunal has upheld the appeal of runner Liza Hunter-Galvan against a decision by Athletics New Zealand (ANZ) not to nominate her for the women's marathon event for the 2008 Beijing Olympics.

Ms Hunter-Galvan sought that the Tribunal select her for the event. However the Tribunal considered it was more appropriate to refer the matter back to the ANZ selectors to reconsider her application for nomination in the light of the Tribunal's decision.

Ms Hunter-Galvan met the Olympic qualifying standard by her performance in the Amsterdam Marathon in 2007 which was a pointer to nomination. A letter of congratulations in reaching the standard and other communications from ANZ may have led her to expect she would be nominated for the Olympics. The Tribunal discussed that there was unfairness to Ms Hunter-Galvan in that if she needed to do more to be nominated then she did not know what that was.

The Tribunal also rejected allegations of bias against the selectors in the nomination process.

The Tribunal concluded that the relevant nomination criteria had not been properly followed or implemented by the selectors.

- The Tribunal concluded that there should have been further factual enquiry into the circumstances of Ms Hunter-Galvan's performances at the Athens Olympic Games, Helsinki World Championships, and the Melbourne Commonwealth Games. Her performances in these events had counted strongly against her nomination but without it being evident that the circumstances of those performances were fully explored by the selectors.
- Further, the Tribunal concluded that an indication that she may not be able to perform well in hot conditions, such as expected in Beijing, should be examined more closely, as there was limited information on which to base that assessment.

Much was made by Ms Hunter-Galvan of the circumstances in which her family suffered a serious road accident in the USA in February 2007. However, the Tribunal thought the accident was mainly relevant in the following ways.

- She achieved the performance standard, required for consideration for the Olympics came after that accident, so it could not be said to have detrimentally affected her performance.

- Not long after the accident she ran a marathon in Minnesota where she did not finish, and the circumstances of the accident and that performance need to be considered as to whether she was able to perform adequately at the time, as well as whether heat was a real factor in her performance.

The disposition of an athlete may be affected by many individual circumstances, and the Tribunal noted the fact that Ms Hunter-Galvan ran her fastest ever time at the Amsterdam Marathon, well within the Olympic qualifying performance standard, after the accident and has directed consideration of that.

The Tribunal emphasised that the issue of nomination is ultimately for the selectors, and that the Tribunal's decision to refer the matter back to the selectors was reached on considerations of the process adopted in coming to the decision.

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sportstribunal.org.nz). See *Liza Hunter-Galvan v Athletics New Zealand* (ST 07/08). Copies of the decision can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sportstribunal.org.nz).