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**Sports Tribunal dismisses appeals by two shooters against non-nomination for 2014 Commonwealth Games**

Scott Wilson and Paul Wilson lodged separate appeals to the Sports Tribunal against decisions of the New Zealand Shooting Federation (NZSF) not to nominate them to compete in the Double Trap (Clay Target) and Skeet events respectively at the 2014 Commonwealth Games. NZSF challenged the validity of both appeals on the grounds they were filed out of time. After a hearing to decide that claim, the Tribunal issued a decision rejecting NZSF's challenges and ruling that the Tribunal had jurisdiction to hear the appeals.

The Tribunal heard and decided both appeals separately. However, as both appeals raised similar issues, and were heard under urgency, the Tribunal issued one written decision deciding both appeals the day after the hearings.

The relevant nomination criteria for the Commonwealth Games requires shooters to meet a Minimum Qualifying Score (MQS) during the qualifying period in any one of a number of Key International Events nominated by NZSF.

While both shooters achieved the MQS in some New Zealand competitions, neither achieved the MQS in a key international event. Therefore they didn't meet the mandatory criteria to be nominated. However, both shooters appealed they should still have been nominated on the grounds of "extenuating circumstances" that NZSF failed to set MQS standards that were certain and fixed throughout the qualifying period.

The relevant MQS for Scott's event changed from 136 to 129 in the last quarter of the qualifying period. Scott complained he was left in a state of uncertainty for most of the qualifying period. As Scott thought 136 was a very high standard, this affected his decision as an amateur athlete not to attend certain international events and he may have decided to attend more international events if the MQS was 129 which was more achievable. However, he did not achieve 129 at a key international event he attended after the MQS changed.

In Paul's event, the MQS was set by NZSF at 118 but was said to be subject to change during the qualifying period. However, it didn't change and this wasn't confirmed by NZSF until late in the qualifying period. Paul complained he was not given a reasonable opportunity to satisfy the MQS as NZSF failed to confirm the MQS until a time when it was no longer possible for him to attend an international event and that one event he would have attended was removed by NZSF of key international event status.

NZSF explained the delay was due to changes in format by the International Shooting Federation resulting in the need to wait until various international events were completed to assess what the appropriate MQS's should now be. The Tribunal expressed concerns about the delay in setting the MQS standards and commented it was good practice for there to be certainty as to what an athlete who is seeking to qualify for a Games Event needs to do in order to achieve that end. However, this criticism by itself didn't decide the appeals.

The Tribunal has considerable sympathy for the difficulties faced by amateur athletes who do not receive funding. However, both shooters had the opportunity over the full qualifying period to attend international events of their choosing from the Key Events list and it was their responsibility to make the choice of which events and how many events they would attend.

Both shooters claimed that it was important to have a certain standard at which to “aim” and that they were disadvantaged by not knowing what that standard was with certainty. However, the Tribunal was not convinced that, in the case of shooting, having a fixed target score was essential to perform to the athlete’s optimum capability on the day.

Both athletes are obviously very fine sportsmen and it was with regret that the Tribunal decided both appeals must be dismissed.

The decisions in these cases are available for download from the website of the Sports Tribunal ([www.sportstribunal.org.nz](http://www.sportstribunal.org.nz)). See *Scott Wilson v New Zealand Shooting Federation* (ST 05/14) and *Paul Wilson v New Zealand Shooting Federation* (ST 06/14). Copies 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](mailto:info@sportstribunal.org.nz)).