Case number: NST-E25-303032

Case Title: Noah Milford v Australian Weightlifting Federation

Determination

National Sports Tribunal

General Division

sitting in the following composition:
Member Greg Laughton SC

in the arbitration between

Noah Milford

(Applicant)

Represented by Peter Upham, Authorised Representative

And

Australian Weightlifting Federation

(Respondent)

Represented by Ian Moir, Chief Executive Officer and Isaac Apel and Hugh Maclaren, Solicitors

CHANGES TO THE WEIGHT CLASS

From the outset, the circumstances that have given rise to this Appeal have been caused by no fault of either party. No criticism, express or implied, of either party is to be read into these reasons.

Central to the issues that arise in this Appeal, was a change notification by the IWF on 20 December 2024 of the adoption of a new body weight class to come into effect for international competitions commencing on 1 June 2025.

The category in which the Appellant was to compete, until the change, was the 98 kilogram class. Consequent upon the adoption by the IWF of its new weight class, the weight of the class was reduced from 98 kilograms to 94 kilograms.

DETERMINATION

1. I have reviewed:
   (a) the Arbitration Book;[1]
   (b) the submissions of both Parties;
   (c) the transcript of the arguments; and
   (d) the additional submissions of each Party,

   and I determine as follows:

2. The Appeal is allowed on the first ground only, that is to say that the Appellant was not afforded a reasonable opportunity to satisfy the Selection Policy.

3. The Appeal is dismissed on the other two grounds upon which the Appeal was brought.

4. The Appellant is to be selected to the 2025 Senior Commonwealth Championships Team (**SCCT**) in the 94 kg weight class.

5. These are my reasons for that determination.

INTRODUCTION

1. Noah Milford (the **Appellant**) is registered as a competitive weightlifter with the Australian Weightlifting Federation (**AWF**). The Appellant is 20 years old and has represented Australia five times in 2022, 2023 and 2024. He is coached by Peter Upham (the **Coach**).

[1] Ext 1

2. The Appellant appeals his non-selection to the SCCT which was published on 6 June 2025, to compete at the 2025 Senior Commonwealth Weightlifting Championships (the **Event**) between 24 and 30 August (inclusive) 2025 in Ahmedabad, India, on three broad grounds, being as follows:
   (a) he was not afforded a reasonable opportunity to satisfy the Selection Policy;
   (b) the decision to not select him was infected by bias;
   (c) there was no material on which the AWF decision could be reasonably based (the dispute).[2]

BACKGROUND

3. AWF (the **Respondent**) is the National Sport Organisation recognised by the Australian Sports Commission, and by the international weightlifting bodies, including the Oceania Weightlifting Federation (**OWF**), the Commonwealth Weightlifting Federation and the International Weightlifting Federation (**IWF**), as the pre-eminent body in Australia for the sport of weightlifting.
4. The Respondent selects athletes to compete in international weightlifting events as members of the official Australian team. The selection process is delegated by the Respondent to its athlete selection commission, which comprises of five senior members of the weightlifting community. This commission includes two directors of the Respondent.
5. Insofar as it may be relevant, the Coach is also the coach of Jackson Roberts-Young.
6. The Appellant represented Australia at the Senior Oceania and Pacific Mini Games (**SO&PMG**) in Palau which were held from 29 June 2025 to 9 July 2025. The SO&PMG is conducted by the OWF and at that event, the Appellant lifted a total of 304 kgs, below the qualifying weight for the Event of 320 kgs, about which I say more below.
7. Insofar as it may be relevant, both the OWF and the CWF are run using the same telephone and email contact details of Paul Coffa. Paul Coffa is the General Secretary of the OWF and of the CWF. Paul Coffa is also a member of the AWF High Performance Commission.

[2] Appellant's Application Form dated 7 June 2025.

PROCEDURAL MATTERS

8. This Appeal is brought pursuant to section 23 of the *National Sports Tribunal Act 2019* (Cth), which relevantly provides:

> *"(1) If:*
>
> *(a) a dispute arises between:*
>
> *(i) a person bound by one or more constituent documents by which a sporting body is constituted or according to which a sporting body operates; and*
>
> *(ii) the sporting body; and*
>
> *(b) either:*
>
> *(i) one or more of those documents permit the dispute to be heard in the General Division of the National Sports Tribunal; or*
>
> *(ii) if none of those documents permits the dispute to be heard in the General Division of the National Sports Tribunal—the person and the sporting body agree in writing to refer the dispute to the General Division of the National Sports Tribunal; and*
>
> *(c) either:*
>
> *(i) the dispute is of a kind prescribed by the rules for the purposes of this subparagraph; or*
>
> *(ii) the dispute is approved by the CEO, in writing, as a dispute to which this section applies;*
>
> *the person or the sporting body may apply to the National Sports Tribunal for arbitration of the dispute."*

9. The Appellant's application form was lodged with the NST on 7 June 2025.

10. An Arbitration Agreement between the Appellant and AWF was signed by the Parties on 19 June 2025.

11. A Preliminary Conference occurred between the Parties and the NST, where a timetable for the expeditious disposition of the appeal was mutually agreed.

12. I was appointed as Arbitrator of the dispute on 20 June 2025.

13. The dispute is to be determined in accordance with the AWF Selection Appeals Policy dated 7 October 2021 (the **Policy**).

THE AWF SELECTION APPEALS POLICY

14. The Policy applies to athletes and the AWF.[3] Athletes have a right of appeal against non-selection to a Team, but not to a Squad.[4]

15. The Appellant appeals his non-selection to a Team.

16. The right of appeal only lies for athletes to appeal non-selection to an AWF Team which was selected under the provisions of the Policy.[5]

17. I am informed by the Parties, and on the basis of the material before me I infer, that there are no Interested Parties to this matter within the meaning of the Policy.

18. Clause 5 of the Policy deals with the appeal process.

19. Clause 5.1 of the Policy deals with the steps required prior to the selection appeal, and also states that Non-Selected Athletes must not commence a selection appeal unless clause 5.1 of the Policy has been complied with.[6]

20. Within 24 hours of the time that a Non-Selected Athlete receives notice of non-selection, the Non-Selected Athlete must provide Written Notice to the AWF that the Non-Selected Athlete disputes the non-selection.[7]

21. The Non-Selected Athlete must provide reasons to support the Notice of Dispute. The Written Notice must be accompanied by an AU$200 application fee, which will be refunded to the Non-Selected Athlete should the outcome of the dispute be a process resulting in selection to the Team for the Event.[8]

22. Within 24 hours of the Non-Selected Athlete providing Written Notice to the CEO of the AWF in accordance with clause 5.1(b) of the Policy, the CEO of the AWF must provide the Non-Selected Athlete with a written statement of the AWF's reasons supporting the non-selection of the Non-Selected Athlete.[9]

23. Within 24 hours of a Non-Selected Athlete receiving the AWF's written statement in accordance with clause 5.1(c) of the Policy, the Non-Selected Athlete must provide a written response to the CEO of the AWF which indicates whether the Non-Selected Athlete intends to proceed to a hearing of the selection appeal in accordance with clause 5.2 of the Policy.[10]

[3] The Policy – clause 3.1.
[4] The Policy – clause 3.2.
[5] The Policy – clause 4.1.
[6] The Policy – clause 5.1(a).
[7] The Policy – clause 5.1(b).
[8] The Policy – clause 5.1(c).
[9] The Policy – clause 5.1(d).
[10] The Policy – clause 5.1(e).

24. The Parties must use their best endeavours, acting in good faith, to resolve the dispute through communication in accordance with this clause 5.1 of the Policy made on a without prejudice and confidential basis. [11]

25. At the Preliminary Conference, the Parties agreed to waive required compliance with certain provisions of the Policy set forth in [19] to [24], and engaged the jurisdiction of the NST via mutual agreement.

26. Any formal Written Notice and reasons for statement made by the CEO or the Non-Selected Athlete in accordance with clause 5.1(d)-(e) of the Policy may be submitted to the NST for the purpose of the First Instance Appeal and/or Final Appeal.[12]

27. The time period referred to in clause 5.1 of the Policy may be extended by mutual agreement of the AWF and the Non-Selected Athlete, as required.[13]

28. Clause 5.2 of the Policy deals with a First Instance Appeal to the NST.

29. A selection appeal must be heard in the General Division of the NST in the first instance.[14]

30. A Non-Selected Athlete may bring a selection appeal to the General Division of the NST for hearing on one or more of the following grounds, which the Non-Selected Athlete bears the onus of making out, being either:

    (a) that the Selection Policy was not properly applied by the AWF with respect to the Non-Selected Athlete;
    (b) the Non-Selected Athlete was not afforded a reasonable opportunity by the AWF to satisfy the Selection Policy;
    (c) the AWF was affected by actual bias in making its decision to not select the Non-Selected Athlete; or
    (d) there was no material on which the AWF's decision could be reasonably based.[15]

31. Clauses 5.2(c) to (e) of the Policy provide for the steps to be taken by a Non-Selected Athlete to make an application for a Selection Appeal.

32. Within 24 hours of indicating to the CEO of the AWF the intention to proceed to a hearing of a Selection Appeal under clause 5.1 of the Policy, the Appellant must:

[11] The Policy – clause 5.1(f).
[12] The Policy – clause 5.1(g).
[13] The Policy – clause 5.1(h).
[14] The Policy – clause 5.2(a).
[15] The Policy – clause 5.2(b).

(a) complete and lodge the required NST Application form with the NST Registry in accordance with the NST Procedure setting out the grounds of appeal relied upon by the Non-Selected Athlete; and

(b) pay any filing fee required by the NST.[16]

33. Where the Appeal results in selection for the Team, any application and service fee will be reimbursed to the Appellant by the AWF.[17]

34. Clauses 5.2(f) to (g) of the Policy deals with Selection Appeal Procedure.

35. A First Instance Selection Appeal in the General Division of the NST will proceed in accordance with the NST Procedure except insofar as the NST Procedure is inconsistent with the procedural matters set out below, which apply to all AWF First Instance Selection Appeals:

(a) Where the NST considers it appropriate to do so and all the involved Parties to the appeal agree, the NST may determine the appeal without a hearing;

(b) The NST must provide Written Notice to the Parties of its determination as soon as reasonably practicable after the conclusion of the hearing and in any event not more than 24 hours of the conclusion of the hearing. The NST must provide the Parties with a statement of the reasons for its determination with 3 Business Days of notifying the Parties of its determination;

(c) The determination of the NST is final and binding on the Parties and, subject only to an appeal to the Appeals Division of the NST pursuant to clause 5.3 of the Policy no party may institute proceedings in any other court of tribunal.[18]

36. The Selection Appeal Procedure will vary depending on time available in accordance with the NST Procedure regarding expedited resolution of disputes.[19]

37. Clauses 5.2(h) to (l) of the Policy deals with Selection Appeal Outcomes, including Reconsideration and Redetermination.

38. The NST may uphold or dismiss a First Instance Selection Appeal.[20]

39. Subject to clause 5.2(j) of the Policy, where the NST upholds a First Instance Selection Appeal overturning the original selection decision, the NST must refer any subsequent decision regarding the Appellant's non-selection or if required any broader decision

[16] The Policy – clause 5.2(c).
[17] The Policy – clause 5.2(e).
[18] The Policy – clause 5.2(f).
[19] The Policy – clause 5.2(g).
[20] The Policy – clause 5.2(h).

regarding selection of the Team for the Event back to the AWF for reconsideration and redetermination.[21]

40. In reconsidering and determining the Appellant's non-selection or if required, any broader decision regarding selection of the Team for the event, the AWF must observe the principles of natural justice. Any decision made by the AWF regarding the Appellant's nomination after such referral, is final and binding on the Appellant, subject only to the Appellant commencing an appeal to the Appeals Division of the NST in accordance with clause 5.3 of the Policy.[22]

41. Notwithstanding 5.2(i) of the Policy, the NST may itself determine the issue of the Appellant's selection or broader decision regarding selection of the Team for the event where the NST determines that:

    (a) It would be impractical to refer the selection decision for redetermination to the AWF given the time available; or
    (b) In making its original decision, the AWF had such disregard for proper application of the Selection Policy that a reasonable person would apprehend that it is unlikely that the Selection Policy would be applied properly by the AWF if the decision regarding the Appellant's non-selection was referred back to the AWF.[23]

42. Prior to making a determination under clause 5.2(k) of the Policy the NST must advise the Parties that the NST intends to make such a determination and provide the Parties with a reasonable opportunity to make submissions in relation to the NST's proposed determination. The NST must give proper consideration to any submissions it receives pursuant to clause 5.2(l) of the Policy.

AUSTRALIAN WEIGHTLIFTING FEDERATION ATHLETE SELECTION POLICY - GENERAL (Adopted 7 October 2021)

43. The object of the Australian Weightlifting Federation Athlete Selection Policy (the **Selection Policy**) is to identify and select those athletes most capable of achieving the best possible results in accordance with prescribed targets set out in the Event Specific Criteria approved from time to time by the AWF Board of Directors.

44. The Selection Policy establishes the selection process, at clause 2:

[21] The Policy – clause 5.2(i).
[22] The Policy – clause 5.2(j).
[23] The Policy – clause 5.2(k).

"2.1 In addition to this document the AWF will prepare specific criteria for specific events (Event Specific Criteria).

2.2 Once the Event Specific Criteria have been approved by the AWF Board of Directors, they shall form part of this Selection Policy together with this document and any reference to this document shall be deemed to include a reference to the Event Specific Criteria.

2.3 The AWF Selection Commission (consisting of 3 Selectors) will convene to select athletes to the team as soon as practicable following the conclusion of the qualification period stipulated in the Event Specific Criteria.

2.4 The Selectors will liaise with the AWF High Performance Commission (HPC) Chair during the selection process.

2.5 At all times this Selection Policy is subject to the eligibility and other criteria imposed by the International Weightlifting Federation (IWF) or any other body which controls the Event"

45. There seems to be no issue that the Appellant meets the eligibility criteria, in clause 3 of the Selection Policy.

46. The assessment criteria, clause 4 of the Selection Policy, is as follows:

"4.1. In determining which athletes will be selected for National teams, the Selectors will consider the following criteria:

(a) Percentage (%) of the qualification standard achieved

(b) Current form

(c) Performance trajectory over the past 12 months

(d) Injury status

(e) Ability to contribute to AWF event specific objectives e.g. team points, medals

(f) Previous international competition performance record (if applicable)

- *% successful attempts*
- *+/- % personal best lifts*
- *Overall placing*

4. 2. Where an athlete has qualified in more than one bodyweight category, the Selectors in consultation with the HPC Chair will select the athlete in the category that is considered to provide the best result, for Australia.

4.3. An athlete may be selected in a heavier bodyweight category than the one they qualified in if it is reasonably believed that they can achieve the required bodyweight and their qualifying total is superior to that of other eligible athletes who have qualified in the heavier bodyweight category.

4.4. Additional assessment criteria relevant to individual Events may be included in the Event Specific Criteria.

4.5. Weighting of the criteria referred to in clause 4.1 will be contained in the Event Specific Criteria.

NOTIFICATION OF THE WEIGHT CLASSES

47. On 23 December 2024, the Respondent emailed all state members that new body weight classes would come into effect for domestic AWF competitions on 1 January 2025, and that the IWF had consented to it.

48. On 1 January 2025, qualification began for the SO&PMG, and the Event. It is common ground between the Parties that there has not been an Event Specific Qualification Document published by the Respondent for either event.

GROUND 1

The Appellant was not afforded a reasonable opportunity to satisfy the Selection Policy

49. On 8 March 2025, the Appellant totalled 325 kilograms in the 98 kilogram class at the Rodney Hutton Memorial Competition. That weight achieved the Minimum Qualifying Standard (**MQS**) for senior international competitors for SO& PMG and the Event.

50. The Appellant achieved the MQS on his second lift. He declined to take his third attempt in the Clean and Jerk. There is some implied criticism of the Appellant not taking his third attempt, in the submissions of the Respondent, but I infer that having achieved the MQS, the Appellant did not see any point in attempting a third lift.

51. On 16 March 2025, the qualifying period for the SO&PMG expired.

52. On 1 April 2025, the preliminary entries for the SO&PMG closed.

53. On 15 April 2025, the Respondent emailed all state members to publish the SO&PMG team selections that included the Appellant in the 98 kilogram class.

54. It is apparent that the SO&PMG was to be conducted in accordance with the new weight classes that came into effect for international competition from 1 June 2025.

55. On 24 April 2025, the Respondent emailed:

    (a) the Appellant;
    (b) the Coach; and
    (c) Jackson Roberts Young.

56. That email reiterates the IWF changing weight class from 98 kilograms to 94 kilograms and that it would take effect on 1 June 2025 and so would affect the SO&PMG.

57. I assume that the Appellant and the Coach were alive to change in weight class and the 98 kilogram weight class would no longer exist in the SO&PMG, but the Appellant would need to compete in a 94 kilogram class.

58. The email of 24 April 2025 then went on to inform the recipients that there were currently two athletes entered in the 98 kilogram class, being the Appellant and Oliver Saxton, and there was one other in the 110 kilogram class, Jackson Roberts Young. That meant that the Appellant and Oliver Saxton would either have to reduce their weight to 94 kilograms for the SO&PMG or compete in the higher weight class of 110 kilograms. If both athletes were to do that, it would impact Jackson Roberts Young as there is a competition limit of two athletes per weight class from each country.

59. The Appellant agreed to compete at 94 kilograms at the SO&PMG, as did Oliver Saxton.

60. On 8 May 2025, the IWF published a media release stating that the men's 98 kilogram category had been adjusted to 94 kilograms, as a consequence of a decision of the IOC, and would include 5 female and 5 male body weight categories for the Olympic Games in Los Angeles in 2028, the men's 98 kilogram category had been adjusted to 94 kilograms, and that the new body weight categories would enter into force on 1 June 2025.

61. On 11 May 2025, the qualifying period for the Event expired.

62. On 24 May 2025, the date for preliminary entries for the Event closed and on 30 May 2025, the events calendar for the Event was updated to include qualifying totals for the 94 kilogram class which for the Senior International was 320 kilograms. Of course, the Appellant has not lifted 320 kilograms for the purposes of qualifying for the Event.

63. It is a strange occurrence that on the material before me, up until 11 May 2025, when the qualifying period for the Event expired, there did not seem to be a published NQS for the (new) 94 kilogram class.

64. It was not until after the qualifying period for the Event expired, that the Events' calendar was updated to include the qualifying total for the 94 kilogram class at 320 kilograms and that only one day later the CWF published the preliminary entries on its website for the Event.

65. The Appellant was selected for the SO&PMG, on the basis of his 8 March 2025 qualifying MQS.

66. The Respondent says that the Applicant was selected for the SO&PMG because the change in body weight down occurred after the qualifying period, which ended on 16 March 2025 and the closing of entries on 1 April 2025, and there was no opportunity for change, so that any competitor in the 94 kilogram class would have been required to meet the body weight to compete, which was a condition of entry into the Event. The AWF, CWF and IWF did not void any entries for the 98 kilogram class on 24 April 2025, rather the body weight requirement for competing changed. The distinction that the Respondent seeks to draw between selection of the Appellant and the SO&PMG and for the Event is because as at the date that the AWF advised of its foreshadowed change in the body weight, the Event was still in its qualifying period, whereas, the SO&PMG was not.

67. The difficulty with that proposition was that in order to qualify for the Event, the Appellant still had to meet the body weight in order to compete.

68. The most significant difficulty, in my view, is that it was not until after the qualifying period expired, that the condition of entry to the Event as to MQS of 320 kilograms was notified to either the Appellant or the Coach. There remains some doubt in my mind as to whether the AWF actually knew that the 94 kilogram body weight MQS was 320 kilograms any time before 30 May 2025.

69. The Appellant says that the calendar that was in effect for the Event, did not have MQS for the 94 kilogram class either at the time the Appellant competed on 8 March 2025, or by the end of the qualifying period for the Event.

70. He further says that the sole reason for his non-selection by the Respondent was that he did not meet the MQS for the weight class that he was not competing in, that is the 110 kilogram class.

71. There seems to be no suggestion that despite his selection for the SO&PMG, in the 94 kilogram class within a MQS of 325 kilogram for the 98 kilogram class, he

was not selected for the Event because he did not qualify for the 110 kilogram weight class for the Event.

72. He could not have. The 110 kilogram weight class for Senior International for the event was 350 kilograms, but of course that was not known until after 30 May 2025, more than 2 weeks after the qualifying period had expired.

73. A number of things are clear:

    (a) the Appellant was never told that his lift on 8 March 2025 would not qualify him for the Event;
    (b) up to 30 May 2025, no MQS had been published that included an MQS of 320 kilograms in the 94 kilogram class;
    (c) by then, the qualifying period had expired on 11 May 2025; and
    (d) the fact was that the Appellant did not ever know what the MQS for the 94 kilogram class for the Event actually was, until the day before the team was selected.

74. Two issues arose, either individually or in combination, that led to the Appellant in my view, not unnaturally, to believe that his 8 May 2025 lift qualified him for the Event:

    (a) given that the Appellant had not been told, because it simply was not available what the MQS for the 94 kilogram class was for the Event, the Appellant could have enquired of the Respondent what it was. He did not do so. It may well be that the Respondent would not have known before 30 May 2025, the date upon which the MQS was published anyway; and
    (b) the Respondent could have told the Appellant that his 8 May 2025 lift of 325 kilograms in the 98 kilogram class would not qualify him for the Event.

75. No doubt the two matters occurred by reason of the unusual circumstances caused by the change in weight class and the late publication of the event calendar on 20 May 2025.

76. The result that, by reason of his selection in the SO&PMG on the basis of his 8 May 2025 lift, in my view, not unreasonably, is the Appellant was entitled to assume that he had qualified for the Event.

77. I accept that the Respondent says that qualification period for the Event had not expired but had for the SO&PNG. However, it is not a distinction that was brought to the Appellant's attention nor was, in my opinion, reasonable for the Appellant or the Coach to draw that conclusion.

78. As such, the Appellant was not afforded a reasonable opportunity to satisfy the Selection Policy.

79. In my view, Ground 1 is made out.

GROUND 2

The AWF was affected by actual bias in making the decision to not select the non-selected athlete

80. The Appellant puts his assertion on this ground as follows.

81. On 2 June 2025, AWF CEO Ian Moir, in an email, indicated that *"the decision to apply the AWF Athlete Selection Policy 3.9 by the Respondent was a responsibility of the AWF High Performance Commission."*

82. Using as his source, the AWF annual report 2024 at page 15, J Saxton is a member of the High Performance Committee. The current AWF website lists J Saxton as a member of the Athletes Selection Commission. J Saxton is a parent of Oliver Saxton.

83. The Appellant asserts that the Respondent is not following its own policies in averting potential conflicts of interest and perceived conflicts of interests set out in the AWF Board Governance Procedures.

84. Clause 3.9 of the Selection Policy provides:

> *"Where an athlete is qualified in more than one category or in special circumstances and provided that no other selected athlete is displaced from overall team, the appointed Team Official in consultation with the athlete and the APC may decide to change the athlete's entry after selection if results can be achieved by the athlete competing in a different category. These circumstances would include a potential for winning a medal in a major international event or providing the athlete with an opportunity to qualify for another major international event. In such circumstances, consideration must be given to the athlete's ability to achieve the required body weight without negatively affecting their overall performance."*

85. As I understand the position, Oliver Saxton had lifted 350 kilograms. Aside from his body weight of 98 kilograms, he was able to qualify for the 94 kilogram class.

86. As far as I can see, body weight aside, Oliver Saxton had achieved the MQS whereas the Appellant had not. It is in those circumstances difficult to see how any apparent or apprehended bias occurred, such as to infect the selection decision of Oliver Saxton, to the 94 kilogram class, but not the Appellant.

87. In my view the Ground of Appeal is not made out.

GROUND 3

No Reasonable Basis for the Decision

88. The Selection Policy does not account for sudden changes in competition structure, such as body weight class or the like. The Appellant asserts that there is no Event Specific Criteria published at any point. That is strictly not true in that while it may not have been published as Event Specific Criteria, there was published in the event calendar an MQS for inclusion in the Event, however not until 30 May 2025, the day before the team was announced.

89. It is certainly clear that the MQS for the 94 kilogram class was not available at the time of the Appellant's performance on 8 March 2025, or at any time during the qualifying period for the Event which expired on 11 May 2025.

90. The AWF's sole reason for non-selection was that the Appellant did not meet the standard for the class he was never competing in, which the Appellant argues is arbitral and unreasonable. To some extent that is true, however the real issue is and always has been the late publication of the MQS for the 94 kilogram class for the Event.

91. In my view, by reason of the matters set forth in paragraph [77] the distinction from the Respondent's view point that the qualifying period for the SO&PMG had expired but the qualifying period for the Event had not, was not, of itself, unreasonable.

92. It is that distinction, in my view that made the decision making of the Respondent to not select the Appellant, unreasonable.

93. The Respondent accepts its obligation to make decisions in accordance with the principles of natural justice. The Respondent asserts that:

    (a) the Appellant was advised at the first opportunity (prior to the official announcement) of the change in weight class; and
    (b) he had the opportunity to seek to qualify for the 94 kilogram class by losing sufficient weight by lifting up to the 110 kilogram MQS, but he did not avail himself of this opportunity.

94. The difficulty with that proposition is that by then:

    (a) the Appellant had been selected in the SO&PMG;
    (b) he lifted the MQS for 98 kilograms on 8 March 2025;

(c) he had not been told that the MQS for 98 kilograms was insufficient for the 94 kilogram class.

95. It is accepted that the Selection Policy and criteria were well known to the Appellant and the Coach. What they did not know was what the MQS actually was. Further, the MQS was only notified in the events calendar on 30 May 2025, well after 11 May 2025, when the qualifying period expired.

96. It is put against the Appellant that on cancellation of the 98 kilogram class, he had a number of options which were a series of events scheduled for the weekends of 3-4 May and 10-11 May 2025, in which the Appellant could have competed in order to qualify for the new 94 kilogram class, or alternatively to attempt to qualify for the 110 kilogram class with its MQS of 350 kilograms.

97. Again, that raises the issue as to whether, the Appellant was sufficiently seized of the fact that, albeit 98 kilogram lifts of 325 kilograms would not qualify him, in circumstances where he has been selected for the SO&PMG.

98. Of itself, that was sufficient to establish, in any reasonable person's mind, that the qualifying lift of 8 March 2025 of 325 kilograms was sufficient to qualify him for the Event.

99. I have some difficulty with the Appellant being selected for the SO&PMG on the basis of his 8 March 2025 lifts, but not the Event. Understanding that the qualifying period had expired at the time he was selected for the SO&PMG, it seems to me to be unreasonable that if it was sufficient for him to be selected for the SO&PMG, without him knowing that the lift was considered insufficient for the Event, he was left to be taken by surprise by his non-selection.

100. There is no doubt about 2 matters:

(a) this is an amateur sport. Both athletes and administrators do their very best to ensure that selection is conducted fairly and ensuring the best interests of the sport;

(b) athletes have other commitments including employment and study.

101. In the case of the Appellant, I am informed that he is studying veterinary science at Sydney University.

102. It follows in my view to be unreasonable to expect an athlete to "train up" for another competition having qualified or at least believing that he had qualified.

103. In my view, the Ground of Appeal fails.

104. In my view, the circumstances of the Appellant's non-selection were created by reason of the coalescence of a number of extremely unfortunate circumstances.

105. When looked at objectively, the decision taken by the Respondent was not, in my view, unreasonable.

WHAT THE APPELLANT SEEKS

106. The Appellant seeks the following:

    (a) the Appeal be allowed;
    (b) that he be added to the AWF Senior Commonwealth Championships team in the 94 kilogram body weight class.

107. The Appellant has abandoned any other relief.

108. I uphold the first instance selection appeal, on Ground 1 only.

109. The Appellant does not seek to have the decision of his non-selection referred to the Selection Panel. He seeks that I deal with it.

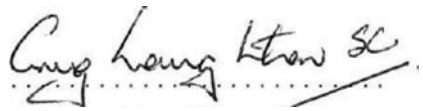
110. I have informed the Parties that I am minded to do so for the purposes of clause 5.2 of the Policy.

111. In my view it would be impracticable to refer the selection decision for redetermination to the AWF given the time available.

112. I do not find that the AWF, in making its decision, disregarded the proper application of the Policy.

113. The Appellant is to be selected for the 2025 Senior Commonwealth Championships team in the 94 kilogram weight class.

Dated: 14 July 2025



Greg Laughton SC,
Arbitrator