

BETWEEN

**Sloan Frost
Appellant**

AND

**MOTORCYCLING NEW ZEALAND
Respondent**

**ORDER OF TRIBUNAL
DATED 22 May 2017**

Participants:

Sloan Frost, Appellant
Motorcycling New Zealand, Respondent
Paul David QC and Harriet Bush, counsel for Appellant
Nigel Stirling and Richard Gordon, counsel for Respondent

Chairperson:

Sir Bruce Robertson

Registrar:

Matt Skinner

1. The Chairman considered the proposed orders that were submitted jointly by counsel for the Respondent and counsel for the Appellant.
2. The Chairman noted that Motorcycling New Zealand (MNZ) accepts that the Appellant, Sloan Frost, has not been afforded natural justice in the consideration and hearing of appeals brought by Tony and Mitchell Rees before the MNZ Judiciary Committee ("appeals") and which are subject to the appeal by Mr Frost to the Tribunal.
3. By consent the Tribunal makes the following orders:
 - (a) The appeal by Mr Frost is allowed under ground (a) of r 7.5.3 of the Manual of Motorcycle Sport.
 - (b) The decisions of the Judiciary Committee in relation to the appeals by Tony and Mitchell Rees are quashed and set aside.
 - (c) The appeals are to be reconsidered by the Judiciary Committee under the MNZ rules. All parties, including Sloan Frost, shall be entitled to appear and present submissions on any question under the appeals (whether as to jurisdiction or on the merits) at the hearing of the appeals.
 - (d) The Judiciary Committee shall be constituted of four members appointed as follows:
 - (i) The General Manager of MNZ may appoint one of the Senior Stewards to the Judiciary Committee; and
 - (ii) Each party, (Tony and Mitchell Rees, the Race Stewards, and Mr Frost) may nominate one Judiciary Committee member from a supplied list of potential Judiciary Committee members. The list shall not contain any member of the initial Judiciary Committee.
 - (e) Pending the rehearing the results of the SuperBike rounds at Taupo and Hampton Downs (and the result of the NZ SuperBike championships) shall be as declared at Hampton Downs before the decisions of the Judiciary Committee on the appeals. The results shall be described as the subject of an appeal process pending the reconsideration of the appeals by the Judiciary Committee.
 - (f) MNZ shall repay the Sports Tribunal fee of \$500 to Mr Frost within 14 days.

4. For the avoidance of doubt, appeal rights under the MNZ rules in relation to any decisions reached by the Judiciary Committee on the reconsideration of the appeals remain unaffected by these orders.

Dated: 22 May 2017



.....
Sir Bruce Robertson
Chairperson