

## **MEDIA RELEASE**

**25 November 2008**

### **Sports Tribunal upholds findings that motorcyclist breached Rules of Sport during race but allows appeal against penalties imposed**

Tim Curr appealed against decisions of the Motorcycling New Zealand (MNZ) Board which found that he breached MNZ Rules during a moto-cross meeting, and imposed suspensions and a fine.

There was collision involving several riders. Mr Curr's father and a race steward went to assist the downed riders, and a heated situation developed. The steward purported to disqualify Mr Curr but he kept racing. The MNZ Board found Mr Curr rode dangerously close to the steward, ignored his directions and rode dangerously in the pits.

The MNZ Board suspended him for 2 years and imposed a further one year's partial suspension of his competition licence for riding dangerously close to the steward. The MNZ Board also suspended him for one year (to be served concurrently with the other suspension) for disobeying the steward and imposed a \$150 fine for riding dangerously in the pits.

Mr Curr appealed on a number of grounds mostly relating to how MNZ had dealt with his case. These included alleged breaches of natural justice, bias, predetermination and conflict of interest involving a decision maker. While the Tribunal expressed concerns in relation to some of these grounds, it concluded that none were sufficiently made out to warrant quashing the decisions outright or referring the matter back to MNZ. After a review of the evidence, and taking into account frank acknowledgments of Mr Curr in relation to his conduct, the Sports Tribunal upheld the findings against Mr Curr.

The Tribunal partly allowed the appeal against the penalties imposed and reduced the sanction by a significant margin. The Tribunal particularly took into account Mr Curr's acknowledgments and recognition of his conduct, in the context of required control of race meetings, while giving evidence at the Tribunal hearing. It also took into account penalties imposed in other MNZ cases, Mr Curr's youth, his otherwise good record and the severe impact of the sanctions upon him.

In relation to the offence of riding dangerously close to the steward, the Tribunal quashed the 2 years' suspension and further one year partial suspension imposed by MNZ, and instead substituted a period of 15 months' suspension. The other penalties remained the same.

The decision in this case will be made available for download from the website of the Sports Tribunal ([www.sporttribunal.org.nz](http://www.sporttribunal.org.nz)). See *Tim Curr v Motorcycling New Zealand* (ST 01/08). 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@sporttribunal.org.nz](mailto:info@sporttribunal.org.nz)).