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**Tribunal dismisses appeal against non-selection for NZ BMX team**

The Sports Tribunal dismissed an appeal by Michael Bias against a decision of Cycling New Zealand to not select him for the New Zealand men's BMX team to compete at the 2015 World Championships in Belgium.

Mr Bias appealed that the Selection Regulations were not properly followed or implemented and contended that he had a better world ranking and better results at a number of events than another rider who was selected. The Tribunal was satisfied that the selectors took into account the rankings, even though this was not mandatory, and gave them appropriate weight. The Selection Regulations required selectors to give priority to results in certain events. While Mr Bias performed better in some events, evidence showed the other rider performed better than Mr Bias in the events that were required to be given priority under the Regulations. The Tribunal was not satisfied that the selectors had not properly followed the Regulations.

Mr Bias also argued that because he is not a member of the High Performance (HP) Squad, he had not had the same opportunity as those within the HP Squad to satisfy the criteria. The Tribunal rejected this argument. The evidence was that the overwhelming factor in selection was the results and performance data from the international and national events weighted in accordance with the priority set out in the Selection Regulations. Information about the performance of riders in the HP squad and Mr Bias was available to the Selection Panel.

The Tribunal rejected an argument that the decision to not select Mr Bias was affected by actual bias in favour of riders involved in the HP Squad and the head BMX coach's involvement in the selection process. This argument was not supported by the evidence.

The Tribunal considered whether bias had affected the Selection Panel's decision in relation to a shoulder injury Mr Bias suffered in a training session that prevented him participating in a priority event. The Tribunal was concerned that selectors took the injury into account in their decision not to select him but did not make further inquiries into prognosis of the injury and concluded on the basis of their own, and the High Performance Director's, knowledge of such injuries that he would be unlikely to be ready to race at the World Championships. However, although it would have been better to have sought further information on Mr Bias' medical position, the Tribunal did not consider this as prejudging or otherwise constituting actual bias.

The appeal was therefore dismissed. The Tribunal stated in conclusion:

*We note that both parties indicated their willingness to work together and commend both parties for the way they have conducted themselves during this dispute. The Appellant has expressed his commitment to BMX and to representing New Zealand at BMX. He also indicated that he would embrace the opportunity to be part of the HP programme. Everything submitted at the Hearing gives the Tribunal confidence that both parties will work together in the pursuit of the Appellant's excelling at the sport of BMX.*