

## **MEDIA RELEASE**

**27 November 2008**

### **Sports Tribunal releases further decision over whether suspended motorcycling member resumed status as steward on conclusion of suspension of membership**

The Tribunal has released a further decision and observations of Tribunal regarding issues of stewardship and relationship with membership, in the matter of *Noel Curr v MNZ* (ST 19/07).

Motorcycling New Zealand (MNZ) suspended Noel Curr's membership of MNZ and also terminated his status as a steward as the result of disciplinary proceedings. In its decision of 11 April 2008, the Sports Tribunal upheld the findings against Mr Curr but reduced the suspension imposed and expressly reserved its jurisdiction to review the matter of stewardship if that was required by either party.

The issue subsequently arose whether Mr Curr automatically resumed his status as a steward at the conclusion of his suspension of membership (he had been a steward member) or whether separate approval of his suitability as a steward by MNZ was also required. MNZ refused to approve his position as a steward for a race meeting after his suspension as a member had concluded.

After hearing new arguments, following an earlier decision of 28 July 2008, the Tribunal has now decided that Mr Curr resumed his membership status as steward by virtue of a rule of MNZ which states that upon expiry of suspension the member will be entitled to exercise the rights and privileges of membership of that class in which he or she was entered prior to the suspension. The Tribunal rejected contentions that this rule should only apply to situations out of competition (Mr Curr's original breach being for conduct out of competition).

The Tribunal noted that stewardship is an office for which suitability and qualifications were required. Under the rules applicable at the time, the Board had the right to review status as a steward but not as an element of sanction under a disciplinary decision but by a separate decision. Mr Curr's stewardship had been terminated without separate reasons for that and therefore he had been technically reinstated as a steward member at the conclusion of his suspension, although only for a brief period as he lost that status on 16 May when the MNZ Board further suspended Mr Curr's membership in disciplinary proceedings relating to a separate incident not before the Tribunal and unable to be considered by the Tribunal.

The Tribunal made observations that under the new rules and constitution of MNZ it appeared the power to terminate stewardship was now available as part of a disciplinary process.

All decisions 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 *Noel Curr v Motorcycling New Zealand* (ST 19/07). 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)).