

## **MEDIA RELEASE**

**14 April 2008**

### **Sports Tribunal allows appeal against 3 year suspension**

Noel Curr, a member of Motorcycling New Zealand (MNZ), has been partly successful in his appeal against a decision of the MNZ Board suspending him for three years and fining him \$500. This penalty was imposed for a course of conduct, including making references in e-mails about senior officers of MNZ, which allegedly brought the sport of motorcycling into disrepute.

On appeal before the Tribunal, Mr Curr challenged the process by which he was suspended by the MNZ Board. Mr Curr also alleged he had been punished twice for the same offence; however the Tribunal found that was not the case.

The Tribunal was critical of the process adopted by MNZ. The matter was first raised publicly in front of delegates during an Annual General Meeting (AGM) which Mr Curr was also attending as a delegate and the Board adjourned the meeting to conduct a "disciplinary process". Following this Mr Curr was told he was immediately suspended for 28 days (during which time he could prepare a response to the Board and then a decision would be made about his future affiliation with MNZ) and told to leave the AGM. After a subsequent disciplinary process a few months later, the MNZ Board decided to suspend him for three years.

The Tribunal found that there had been significant breaches of natural justice in the manner in which Mr Curr was treated at the AGM including having no notice of the disciplinary process, not being given a proper opportunity to be heard and an inappropriate mixed Board and AGM process. However, these breaches were cured by the Tribunal conducting a rehearing on the facts.

The Tribunal considered the allegations about Mr Curr's conduct. The Tribunal agreed with MNZ that the conduct complained of in the e-mail correspondence did undermine the position of the Chief Executive Officer in that it appeared to imply improper conduct when there was no foundation for that whatsoever. However, while the Tribunal concluded Mr Curr's conduct was in breach of MNZ's Rules, the Tribunal reached a different conclusion from that of MNZ as to the appropriate penalty.

The Tribunal concluded that a penalty of approximately nine months suspension was appropriate in all the circumstances, including the seriousness of the conduct and taking into account the public manner in which the allegations against him were raised. In an interim decision of 5 March 2008, the Tribunal decided that Mr Curr's suspension was to end on that date. The fine was also set aside.

Proceedings were adjourned for costs submissions and in its final decision the Tribunal made a modest costs award to Mr Curr to recognise he had been partly successful in his appeal.

The decision in this case will be made available for download from the website of the Sports Tribunal ([www.sportstribunal.org.nz](http://www.sportstribunal.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@sportstribunal.org.nz](mailto:info@sportstribunal.org.nz)).