

MEDIA RELEASE

28 April 2006

The following is a summary of the decision of the Sports Disputes Tribunal of New Zealand in the case of **Cody McMaster v Kartsport New Zealand Inc.** (SDT/07/06). This is not the written decision of the Tribunal for the purposes of its rules.

Tribunal allows appeal

The Sports Disputes Tribunal has allowed an appeal against a decision of Kartsport New Zealand by Cody McMaster, on the grounds of natural justice.

The Tribunal has not considered the merits of the matter and the decision does not prevent Kartsport New Zealand re-looking at the matter.

Background

Mr McMaster participated at a race meeting in October 2005. The allegations against him arise from an incident occurring on a public road outside the meeting. As a result of the alleged incident, a panel of stewards held a meeting and found the charge proved. The stewards purported to impose penalties.

The stewards referred the matter to Kartsport New Zealand with a recommendation that further penalties be imposed. Kartsport wrote to Mr McMaster advising him that there would be a hearing to consider these further penalties. That letter did not advise Mr McMaster of the charges against him but did state that the only evidence he could bring would relate to the penalties. Mr McMaster, through his lawyer, sought an adjournment which was not granted and the hearing proceeded in Mr McMaster's absence.

The charges were found proved against him and the following penalties were imposed:

- a fine of \$1000
- the cancellation of Mr McMaster's competitor's licence for six months and
- endorsement of the licence for a further 12 months.

The Tribunal's conclusions

After a preliminary jurisdictional hearing, the Tribunal concluded that the principles of natural justice had not been complied with:

- Mr McMaster was summonsed to a hearing without details of the charges against him being supplied
- he was told that the hearing was to consider penalty only and
- a reasonable request for an adjournment was not granted.

In these circumstances, he was denied natural justice. The Tribunal therefore allowed the appeal and quashed the penalties.

For further information, contact Brent Ellis, Registrar, Sports Disputes Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sportstribunal.org.nz).