

Decision of a Sub-Committee appointed by the Executive Committee under Articles 118 and 119 of the National Sporting Code, namely –

- Janet Phipps (Chair)
- Bruce McKenzie
- Campbell Robertson

The Parties

Mr Terry Carkeek (MotorSport NZ Licence 934300), Series Coordinator
Mr Matt Carkeek (MotorSport NZ Licence 073628), competitor
Mr Terry Loving (MotorSport NZ Licence 051615), competitor
Mr Gary Haar, (MotorSport NZ Licence 973867), Clerk of the Course
Mr Emery White, Judge of Fact (noise)
Mr Brian Budd, representing MotorSport New Zealand

In the Matter of

(1) 119a(ii)

That it appears from the Steward's report or otherwise that the conduct of a promotion or part thereof, or the conduct of any participant therein, or the eligibility of any competing vehicles requires investigation having regard to the interests of motorsport generally and the administration thereof by MotorSport NZ.

The Sub Committee should investigate and ascertain whether cars #23 and #45 were eligible to participate in the Thunder in the Park Meeting at Pukekohe 15-17 November 2013.

(2) 119(a)(iii)

That it appears from the Steward's report or otherwise that any penalty imposed was clearly excessive or clearly inadequate, or that for special reasons such penalty was inappropriate.

The Sub Committee should investigate and ascertain if the black and orange flags displayed to cars #23 and #45 were appropriate and also that Decision D011, issued by Mr Haar during the Thunder in the Park Meeting at Pukekohe 15-17 November 2013, was valid and in compliance with the regulations, and that the penalty applied was appropriate.

(3) 119(a)(iv)

That it appears on the application of any entrant or driver that an inquiry into any competition is called for on the basis that there has been either a gross miscarriage of justice or such inquiry is considered fundamental to the interests of motorsport.

The Sub Committee should investigate and ascertain whether the noise warnings issued to cars #23 and #45 during the Thunder in the Park Meeting at Pukekohe 15-17 November 2013 were lawful.

(4) 119(a)(v)

That it appears any Official, Promoter, Organiser or any person or Organisation has been guilty of any breach of this Code, its Appendices and Schedules, or International Sporting Code.

The Sub Committee should investigate and ascertain if the actions of any official breached the National Sporting Code or its Appendices or Schedules.

(5) 119(a)(vi)

That it appears any Official, Promoter, Organiser or any person or Organisation has been guilty of any act or omission prejudicial to the interest of MotorSport NZ or any competition or of motorsport generally.

The Sub Committee should investigate and ascertain if the placement of the noise measuring equipment at the Thunder in the Park Meeting at Pukekohe 15-17 November 2013 was correct and in accordance with MotorSport NZ guidelines.

FURTHER INFORMATION

The Sub Committee is tasked to investigate the circumstances surrounding the issue of noise management at the Thunder in the Park Meeting at Pukekohe 15-17 November 2013 and whether all procedures and processes were carried out in the correct manner. The panel should investigate in particular, but not limited to, the following:

- Whether the position of the noise measurement equipment was located and operated correctly and in accordance with MotorSport NZ guidelines.
- Whether the vehicles breached the noise limit requirements.
- Did any official act beyond the powers conferred on that official by the National Sporting Code or the Event Supplementary Regulations.
- Did the actions of any official breach any rules or regulations contained in the National Sporting Code.

Inquiry Details

The Inquiry took place by meeting at the Stewards Room Hampton Downs Motorsport Park on Friday, 21 March 2014 commencing at 6:30pm. All parties were present.

Inquiry

The inquiry was conducted in accordance with National Sporting Code Article 120.

The Sub-Committee heard submissions from Messrs Carkeek, Haar and White.

It was agreed by the Clerk of the Course and Judge of Fact noise that the noise meter was positioned at 23m not 30m from the track.

Findings

The Sub-Committee have reached the following findings in respect to the points they have been charged with considering:

- The noise meter was not positioned in accordance to MotorSport Regulations
- The incorrect positioning of the noise meter had the potential to produce an incorrect high measurement as evidenced by the test readings at the correct position of the equipment, which gave accordingly to the Stewards Report 5dB difference and the Judge of Fact noise agrees with this.
- Therefore it is ascertained that competitors 23 and 45 in the Pro7 plus and Pro 7 classes would not have exceeded the requirements of Appendix two Schedule A 3.8 (1).
- The black, orange flags were appropriately displayed given the noise measurements presented to the Clerk of the Course.
- Race 26 Car 45 Pro 7 class was found to have ignored flags displayed to him and therefore the penalty stands.

Decision

Taking account of all the factors put before it the Sub-Committee has DETERMINED:

1. Race 15 Pro 7 plus be declared at the completion of lap 5.
2. The results of Race 26 Pro 7 remain.

Recommendation

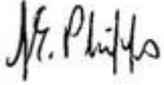
The sport requires that noise measurements be taken at all race meetings at all circuits.

Commendation

The panel commend the Clerk of the Course for the handling of a difficult situation throughout the meeting.

This decision was given verbally at 8.15pm and followed by a written decision e-mailed on 24 March 2014.

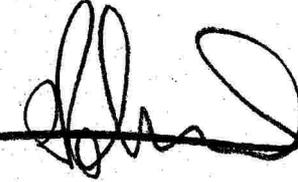
On behalf of the Sub Committee



Janet Phipps
Chairman



Bruce McKenzie
Member



Campbell Robertson
Member

Right of Appeal

Attention is drawn to the right of appeal in accordance with the provisions of the National Sporting Code.