



NOTICE OF DECISION OF A SUB-COMMITTEE APPOINTED BY THE EXECUTIVE COMMITTEE, NAMELY:

- Mr Martin Fine (Chair)
- Mrs Janet Phipps
- Mr Bruce McKenzie

MOTORSPORT NEW ZEALAND (INC) under the powers set out in Article 118 and 119 of the National Sporting Code, having considered matters brought to its attention convened a hearing before a sub-committee appointed by the Executive.

ON THE GROUNDS set out in Article 119 of the National Sporting Code namely:

- **119(a)(iii)**
- **119(a)(iv)**

FURTHER INFORMATION

The Sub Committee was tasked to investigate the circumstances around an alleged irregularity in a wheel change during Race 3 of the NZV8's New Zealand Grand Prix meeting at Manfeild on 7/9 February 2014. The request for the Inquiry came from another competitor who had seen television coverage of the matter. The compulsory wheel change is governed by the NZV8 Touring Car Championship Articles and the procedure is supervised by a Judge of Fact. At the hearing a statement was produced from the Judge of Fact who supervised the wheel change and the Panel reviewed the Television coverage.

HEARING PROCEDURE

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 120.

PRELIMINARY MATTER OF JURISDICTION

Prior to hearing the matter the Panel was concerned as to its jurisdiction to hold the inquiry on the grounds set out in the Notice.

The Panel was empowered to hear the matter under the two articles above, (a)(iii) and (a)(iv). The former relates to reviewing a penalty imposed, the later relates to a matter, on the application of an entrant or driver, where there has been either a gross miscarriage of justice or the inquiry is fundamental to the interests of motorsport.

In the Panels view neither article applied to the matter under review for the following reasons:

1. There was no penalty imposed so it was impossible to review whether it was excessive or inadequate. Article 119(a)(iii) did not apply.

2. Art (a)(iv) contemplates an application from an entrant or driver into a matter that affects that entrant or driver not some other party. If the article was to be applied more generally then it would have been drafted with the same generality as the preceding paragraphs. Article 119(a)(iv) did not apply.
3. Furthermore, the evidence available to the Panel included a statement by the Judge of Fact, written after the television coverage of the incident had been aired, confirming that in his view no breach of the regulations had occurred. There exists the ability to request a review by the Stewards in the event that a judge of fact wishes to review his decision. No such request had been made. Accordingly in the Panels view there was no prima facie evidence to support an inquiry under the Articles.
4. The Panel was thus of the view that they lacked jurisdiction to hear the matter and it was dismissed.
5. Had the matter been heard then in the Panels view no protest lay against the decision and in the absence of the Sport bringing the matter to an inquiry on the basis of the actions of its official, then the matter was not one that was capable of being reviewed by it in the circumstances.
6. The matter was dismissed.

SIGNED ON BEHALF OF THE SUB-COMMITTEE:

A handwritten signature in black ink, appearing to read 'M. Fine', written over a horizontal line.

MARTIN FINE
CHAIRMAN

WRITTEN DECISION FORWARDED BY EMAIL ON 30 APRIL 2014.

RIGHT OF APPEAL:

ATTENTION IS DRAWN TO THE RIGHT OF APPEAL IN ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL SPORTING CODE.