



MOTORSPORT NEW ZEALAND (INC)

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

- Mr Martin Fine (Chair)
- Ms Janet Phipps
- Mr Campbell Robertson

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 held an inquiry before a Sub-Committee appointed by the Executive.

The matter concerned a breach of the Pit Lane Regulations during the Fuchs 500 Meeting at Pukekohe on 29-30 November 2014 and the actions of the Stewards in dealing with that matter.

The facts were not in dispute and for the purpose of the hearing may be shortly summarised.

A competitor observed the team of Car 4 (Simon Evans) exceeding the maximum number of team members during a pit stop during the NZ SuperTourer race. An enquiry was lodged which was rejected by the Clerk of the Course. The matter was then protested to the Stewards who heard the matter. Two decisions were issued. The first dealt with the facts around the alleged breach, established that the facts were proved and the Stewards issued a decision with a penalty. The penalty was not that which is prescribed by the regulations for the series.

The aggrieved competitor brought this to the attention of the Stewards and was prepared to appeal the Decision. With the consent of the parties the Stewards held a second hearing and imposed the correct penalty.

They then incorrectly advised the competitor of the time limits for any appeal. Subsequently the competitor brought the matter to the attention of the General Manager and it was determined to proceed with this enquiry.

HEARING PROCEDURE

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

DECISION

There was no attendance by any party representing the Competitor. The Panel was advised that the Competitor would abide the decision of the Panel in their absence. Representatives of the crew who lodged the original enquiry were in attendance as was a representative of the Stewards panel.

FINDINGS

1. The facts were not in dispute accordingly the elements of the breach had been established.
2. The Stewards were not properly prepared for the meeting in that they did not have and were not supplied by the organisers with copies of all relevant regulations and articles.
3. Their actions in issuing the two decisions for the one offence achieved the correct application of the rules but was procedurally incorrect (albeit that the parties concerned all agreed to the process).
4. Accordingly the decisions were vacated and the matter was reheard as a disciplinary hearing by the Committee.

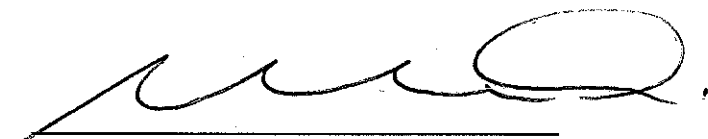
RULING

1. Competitor Evans breached the pit lane regulations by exceeding the permitted number of team members working on the car during the race.
2. The penalty is 40 seconds added to race time (the equivalent of the drive-through penalty) and the loss of 80 Series points.
3. There is an order for costs of \$500.00 against the competitor.
4. The Stewards are reprimanded.

OBSERVATIONS

The Management Committee is requested to ensure that the criteria for determining to hold these types of hearing, and the exercise of the discretion, are properly considered so as to preserve the exclusive jurisdiction of these types of enquiries. A complete judicial process is provided by the Sporting Code and this should be the proper forum for determining these issues.

SIGNED ON BEHALF OF THE SUB-COMMITTEE:



MARTIN FINE
CHAIRMAN

WRITTEN DECISION FORWARDED BY EMAIL ON 6 JANUARY 2015.

RIGHT OF APPEAL:

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