

# MotorSport New Zealand (Inc.)

**Decision of a Subcommittee appointed by the Executive Committee under Articles 118 and 119(a)(iii) of the National Sporting Code, namely –**

- **Wayne Scott (Chair)**
- **Raymond Bennett**
- **Wayne Christie**

## **In the Matter of**

An investigation into a penalty imposed on Chris Adams (Competitor No.51) resulting from an Event Director hearing into a reported technical breach following Race 3 of the NZV8 Championship held at Pukekohe on Sunday 9<sup>th</sup> November 2008.

The hearing took place by telephone on Thursday 20 November, commencing at 6.40pm, the participants being the Subcommittee members, Chris Adams, and Event Director Graeme Robertson. The parties accepted the validity of the notice of the hearing, and the jurisdiction of the Subcommittee to determine the matters brought to its attention.

## **Background**

The Executive Committee, in citing Article 119(a)(iii) of the National Sporting Code, determined that the hearing be held on the grounds *“that it appears from the Stewards’ report or otherwise that any penalty imposed was clearly excessive or clearly inadequate, or that for special reasons such penalty was inappropriate”*. The Subcommittee noted from the background material that the focus of the hearing was in relation to *“for special reasons such penalty was inappropriate”*.

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

## **Hearing**

Mr Adams advised the Subcommittee that he was involved in a multi-car accident at the commencement of Race 2 of the NZV8 Championship, and was launched over the safety barrier at Turn 1, causing significant damage to his vehicle, including tyres.

His crew rushed to ready the vehicle for Race 3, and at the last moment his crew, realising that both rear tyres were damaged, fitted tyres from the previous Taupo round, which had not been marked by the Technical Department for the Pukekohe round. Two new tyres with the correct markings were in the garage, but his crew overlooked them.

Mr Adams stated this was an oversight, due to significant time pressure and some inexperience of the crew.

The vehicle was inspected in the post-race parc ferme by a Technical Officer, the non-compliance of the tyres ‘written up’ and reported to the Event Director.

Mr Graeme Robertson, Event Director for the Championship classes, confirmed that he had received the technical report, and under the rules had no alternative but to impose

the mandatory penalty. Mr Robertson noted that in view of the unique circumstances the penalties imposed were the minimum provided for under the regulations (Penalty CH 39.8) being:

- \$600 fine.
- Exclusion from Race 18.
- Endorsement of competitor licence until 8 December 2008.

Mr Robertson emphasised that while he recognised there were special circumstances, he had no option but to apply the minimum penalty for the offence.

### **Finding**

The Subcommittee noted that there was no conflict of evidence, and that Mr Adams' vehicle was in contravention of the technical eligibility articles in that tyres not marked for the Pukekohe round were used in Race 3. And despite the unusual circumstances, that ineligibility was a fact.

The Subcommittee was mindful of the Executive Committee's view as to there being special reasons worthy of consideration in relation to the appropriateness of the penalty, and examined the penalty in its component parts, *viz.* the fine, the exclusion, and the licence endorsement.

### **Decision**

- (1) Taking account of all the factors put before it and considered by it, the Subcommittee finds that Mr Adams' vehicle was not eligible for Race 3 in that the rear tyres were not marked for use at that Round.
- (2) The Subcommittee however acknowledges that there were unusual and special circumstances surrounding that breach.
- (3) The Subcommittee accordingly decides:
  - That the exclusion of Mr Adams from Race 18 at Pukekohe on 9 November 2008 is confirmed.
  - The fine imposed of \$600 is set aside.
  - The licence endorsement penalty is revoked.
- (4) No order is made as to costs.
- (5) The parties are reminded of their rights of appeal.

On behalf of the Subcommittee.

Wayne Scott  
**Chair**

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