



MOTORSPORT NEW ZEALAND (INC)

DECISION OF THE JUDICIAL COMMITTEE APPOINTED BY THE EXECUTIVE COMMITTEE, NAMELY:

- Mr Martin Fine- Chair
- Mr Graeme Robertson
- Mr Wayne Gair

IN THE MATTER OF

An investigation into possible misconduct as contemplated by art 92(2) of National Sporting Code relating to an event held under permit # 6008 at Teretonga Race track, Invercargill, on the weekend of April 12/13th 2008 and function at Molly's associated with NZ V8 Ute Racing on Sunday 13th April 2008 and into the actions of two members of MotorSport New Zealand Inc namely Greg and Grant Taylor.

The hearing took place at MotorSport House, Wellington on 25 June 2008. The parties were in attendance and Ross Armstrong represented the Sport.

The parties accepted the jurisdiction of the Committee to determine the matters brought to its attention.

Preliminary

It was noted that Greg Taylor did not hold a current MotorSport New Zealand Competition licence and that his membership of the South Canterbury Car Club was pending. Greg conceded that he was still a member of the Club and that it was his intention to renew that membership. Consequently it was determined that there was jurisdiction to hear the matter pursuant to Art 92(2).

Hearing

Mr Armstrong presented the evidence on the part of the Sport which is attached to this decision.

That evidence was largely uncontested by the respondents.

In evidence from the Respondents it was clear that this matter had as its genesis a series of on track incidents with another competitor. It appeared from the evidence that these incidents had gone unchecked by officials of the meeting and that there was widespread dissatisfaction among competitors with the policing of driving behaviour in this series.

There was clearly fault on both sides and both parties appear to have abused each other at times during the event. The matter came to a head outside a nightclub in Invercargill at 1.30 am on a Monday morning when there was a scuffle occasioned by abuse that was exchanged by both parties. Greg Taylor acknowledged that he punched the other competitor. He also acknowledged that the incident was unfortunate and the conduct was not acceptable.

The matter was dealt with by the local police who attended.

There was no one else who witnessed the incident.

The Respondents have formally apologised for the incident.

FINDING

The Committee found that the matters were generally proved. There was acknowledgement and acceptance by the Respondent of the evidence. The incident was generally at a very low level and it appeared that the parties had generally made amends at subsequent rounds of the series. The issue of driving behaviour continues to be an issue in the class.

DECISION

1. The Committee finds that in the circumstances any damage to the reputation of the Sport was minimal.
2. However the conduct was wrong and unacceptable.
3. Accordingly:
 - a. Greg Taylor is fined \$2,000.00;
 - b. Grant Taylor is fined \$1,000.00.
4. Both fines are suspended:
 - a. In respect of Greg Taylor for a period of 12 months;
 - b. In respect of Grant Taylor for a period of 1 month.
5. The fines will be released at the end of the suspension period provided the parties demonstrate exemplary conduct and undertake some positive steps towards assisting the profile of the Sport using their age, experience and previous unblemished conduct as a suitable model.
6. The Committee directs that the MotorSport New Zealand Executive consider an enquiry pursuant to 119(a)(ii) of the National Sporting Code into the control and management of the New Zealand V8 Ute category with a view to determining whether:
 - (i) there is adequate policing of the sporting rules in the class with particular reference to the code of driving conduct, and
 - (ii) whether the philosophy and promotion of the category is in accordance with the principles of MotorSport New Zealand Inc.
7. The Committee notes that as a matter of course in enquiries of this nature it would be appropriate to ensure that both sides of any alleged dispute or difference of opinion are in attendance at the hearing to enable a full accounting of the facts.
8. In the circumstances no costs were ordered.



Martin Fine
Chairman