

# MotorSport New Zealand (Inc.)

## Decision of a Sub Committee appointed by the Executive Committee under Article 118 of the National Sporting Code, namely –

- **Graeme Robertson (Chair)**
- **Wayne Scott**
- **Barry Higham**

### **In the Matter of**

An investigation into the actions of Clerk of the Course, Ray Hunton (Officials Licence #11095) when excluding Super 6 competitor #19 Simon Grace (Competition Licence #22074) from race 20, Firststone Super Six-Race 3, on Sunday 18 January 2009.

### **Hearing details**

The hearing was conducted by audio call at 7.30pm on Wednesday 4 March 2009. The participants being the Subcommittee members, Simon Grace (Competitor), Ray Hunton (Clerk of the Course), Nic Jones (Time keeper), Jan Gregory (Super 6 Series Co-ordinator), Alan Watkins (CRO). Witnesses - Russell Grace, Glen Duncraft and Mike Watson were also on the call. MotorSport NZ was represented by Bill Bawn, Motorsport Manager.

### **Background**

The Executive Committee, required the Sub Committee to inquire into the circumstances relating to exclusion of Simon Grace from Race 20, Sunday 18 January 2009 as it appears that the penalty applied may not have been in accordance with National Sporting Code articles:

#### **Article 119(a)(i)**

**That it appears from the Steward's Report or otherwise that the results of a competition have been improperly or incorrectly made out:**

The Sub Committee should investigate and ascertain the results of the Super Six Saloon Race 3 were appropriate and in accordance with the National Sporting Code.

#### **Article 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 the actions of the competitors with regards to the timing transponder in this matter.

#### **Article 119(a)(v)**

**That it appears any Official, Promoter, Organiser or any other person or Organisation has committed any breach of this Code, its Appendices and Schedules, or International Sporting Code:**

The Sub Committee should investigate the actions of the Clerk of the Course involved in this matter

### **Hearing**

The Sub Committee had been provided with event documentation, timing system reports and relevant results sheets. Additionally a statement and explanation of timing reports have been received from Nic Jones and circulated. These were tabled and considered.

Statements were given by all concerned and responses received from subsequent questions. The Panel also asked a number of questions for clarification.

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

## **Finding**

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

1. Simon Grace and his father Russell Grace (#19 in German Rennsport category) used one transponder on their separate cars in different races for the meeting
2. This arrangement was acceptable to the event timing team.
3. Both competitors received electronic timing results during their qualifying sessions.
4. During Super Six Races 1 and 2 the transponder did not register times and Simon was manually timed and provided with a result.
5. The event supplementary regulations required competitors to have transponders however they were not clear that this was to be the only method of determining race placings. Other competitors, including Simon Grace, had had results manually assessed during the meeting.
6. The Clerk of the Course instructed the timing team not to time Simon during Race 3 and he was not to feature in results. This was done without conducting a hearing as required by NSC Article 93 (1). However there is no penalty in Schedule P or event Supplementary Regulations to achieve this instruction.
7. Simon Grace finished in first place in Super Six – Race 3.
8. Following the race the Clerk of the Course instructed the Series Co-ordinator to make a decision regarding possible reinstatement of Simon into Race 3. There is no authority for this action.

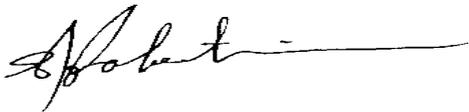
## **Decision**

Taking account of all the factors put before the Sub Committee FINDS:

1. Simon Grace is to be reinstated into Race 20 – Super Six-Race 3 in first place and all other placings adjusted.
2. Ray Hunton is penalised under Penalty OFFICIAL 3 – his officials licence is both endorsed and downgraded to B Race until 1 March 2010.
3. The parties are reminded of their rights of appeal which commence when the written decision is received.

This decision was given verbally at 2105hrs 4 March, and followed by email notification on 5 March at 0840hrs.

On behalf of the Sub Committee.



**Graeme Robertson**  
**Chairman**