

Decision of a Sub-Committee appointed by the Executive Committee under Articles 118 & 119 of the National Sporting Code, namely –

- Wayne Christie (Chair)
- Barry Higham
- Wayne Barnard

In the Matter of

1. Article 119(a)(v) of the National Sporting Code

The Sub-Committee should investigate and ascertain if the actions and/or behaviour of Mr Brian Hudson (Competitor Licence 27548) breached the National Sporting Code or its Appendices or Schedules; and

2. Article 119(a)(vi) of the National Sporting Code

The Sub-Committee should investigate and ascertain if the actions and/or behaviour of Mr Hudson at Powerbuilt Tools Racway, Ruapuna on 26 October 2012 were prejudicial to the interest of MotorSport NZ, the Lady Wigram Revival Meeting, or of motorsport generally.

Hearing Details

The hearing took place by meeting at Ruapuna Park on Saturday, 1 December 2012 commencing at 2:00pm. The participants being the Sub-Committee members, Brian Hudson (Competitor) and Bill Bawn (representing MotorSport New Zealand). Mr Hudson did not appear and did not present a written statement to the Inquiry, apart from an apology by email received 27 November 2012.

Background

The Sub-Committee was tasked to investigate the circumstances surrounding the actions of Mr Hudson on 26 October 2012 when, after having had his entry to the Wigram Revival race meeting declined, he allegedly drove his competition vehicle at speed in the pit area, performing at least two 180 degree “flick turns” or spins, and in the process caused a number of pedestrians to take evasive action. Additionally, upon being approached by Mr Alan Watkins (Competitor Relations Officer) and Mr Mark Wederall, and then by Mr Peter Grant (the Formula Libre Coordinator for the meeting), it is alleged that Mr Hudson was un-cooperative and then became verbally abusive towards the parties involved, culminating in Mr Hudson making a threat to kill Mr Lloyd Proctor (CEO of the Canterbury Car Club) who had declined Mr Hudson’s entry and subsequently banned Mr Hudson from Ruapuna Park.

If, in the course of this investigation, the Sub-Committee concludes a hearing of any nature should have been held, they were empowered to undertake that hearing in the interests of natural justice.

The Sub-Committee may also consider the wider implications of any such actions to the Sport as a whole.

Hearing

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

The Sub-Committee heard from Mr Bawn who provided a summary of the events as outlined in written reports received from Messrs Watkins, Grant and Proctor. Mr Bawn also explained that Mr Hudson had been issued with a temporary licence two days before the Wigram Revival meeting, having sat and passed his licence test with Mr Bob White of the Auckland Car Club.

Mr Bawn then called Messrs Grant, Proctor and Watkins to verbally explain the events as they recalled.

Mr Grant confirmed his written report was his accurate recollection of the events and explained that he heard then saw a competition vehicle being driven at speed from the area of the Motorsport Solutions / Canterbury Racing School building area and was spun through 180 degrees in the dummy grid assembly area before returning towards the buildings. As Mr Grant ran towards the car it was again driven at speed back towards the dummy grid assembly area and apparently was again spun through 180 degrees before returning again towards the buildings. Another car being pushed was blocking the progress of the car and it stopped. Mr Grant said in his efforts to get the attention of the driver he set off the on-board extinguisher. Mr Hudson repeatedly refused to get out of the car, only doing so at the intervention of Mr Andy Neale (proprietor of the Canterbury Racing School). At this stage Mr Hudson became very aggressive, then was apologetic before becoming aggressive again. Mr Grant recalled comments from Mr Hudson's friends that Mr Hudson had an alcohol problem. Later, after the car had been loaded onto a trailer and Mr Hudson had been banned from the Park by Mr Proctor, Mr Hudson was in a car moving through the pits towards the exit when he leapt out of the car and started moving towards Mr Proctor. Mr Grant said that he intercepted Mr Hudson who said that he was going to kill Mr Proctor.

Mr Proctor also confirmed that his written statement was correct and that the account of events by Mr Grant was accurate. He explained that he had received an entry to the Wigram Revival meeting that day from Mr Hudson and made the decision to decline his entry after having discussed with others the racing experience of Mr Hudson. He advised that Mr Hudson was abusive on the phone when he was advised that his entry would not be accepted. Mr Proctor said that after witnessing Mr Hudson's exploits in the pits he advised him that he was banned from being at the Park and asked him to leave. Mr Hudson refused to leave, only agreeing to do so when Mr Proctor threatened to call the Police.

The Sub-Committee then viewed the location where the spins had taken place with a brief explanation of where the car had come from and returned to.

Mr Watkins then confirmed his written report and commented that Mr Hudson was very un-cooperative when asked for information and requested to do anything.

Mr Grant added that he was concerned the Mr Hudson might physically strike Mr Watkins at any stage through the incident.

Mr Proctor advised that Mr Hudson telephoned him the following day to apologise.

Observation

In reaching its decision the Sub-Committee accepted that Mr Hudson had apologised to Mr Proctor by telephone and later by email addressed to Mr Bawn, albeit was following several attempts to adjourn the Inquiry and have it moved to Auckland.

Finding

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

1. Mr Hudson's actions on 26 October 2012 which included driving a competition vehicle at speed in an area populated by the public, performing a number of 180 degree spins and the threatening of Mr Proctor, a Canterbury Car Club official has breached Article 92(2) the National Sporting Code; and
2. Mr Hudson's actions as a licence holder were prejudicial to the interests of MotorSport NZ, the Wigram Revival meeting and of motorsport generally; and
3. The Sub-Committee agreed that Mr Hudson's actions, particularly the threatening of Mr Proctor, could not be condoned or tolerated in any way, and that any decision needed to reflect the seriousness of Mr Hudson's threatening language.

Decision

Taking account of all the factors put before the Sub-Committee ORDERS THAT (in accordance with Article 4.1, Appendix One, Schedule P):

- Penalty NSC.4 be applied to Brian Hudson and that he be fined \$3,000.00; and
- Brian Hudson's competition licence 27548 be suspended for a period of twelve months; and
- Brian Hudson be required to pay the costs of this Inquiry.

The Sub-Committee was unanimous in making its decision.
This decision was given by email notification on 3 December 2012 at 4.55pm.

Costs

The Sub-Committee has awarded costs against Mr Hudson as advised.

On behalf of the Sub-Committee



Wayne Christie
Chairman

Right of Appeal

The parties are reminded of their rights of appeal in accordance with the provisions of the National Sporting Code.