



MOTORSPORT NEW ZEALAND (INC)

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

- Mrs Janet Phipps (Chair)
- Mr Bruce McKenzie
- Mr Graeme Robertson

The parties concerned or interested;

Mr Dean Foster (Competition Licence 160496X) – Competitor Car No 35

Mr John Wigston (Officials Licence 930409Y) – NI NZ6 Series Scrutineer

Mr Bob Friend (Officials Licence 938390Y) – Clerk of the Course

Representing MotorSport NZ: Mr Brian Budd

MOTORSPORT NEW ZEALAND (INC) under the powers set out in Articles 118 to 123 of the National Sporting Code, considered the issues brought to its attention and approved a hearing to be held before the Judicial Committee appointed by the Board.

The hearing was held on 11 August 2017 and a Preliminary Notice was promulgated to the parties concerned or interested on 29 June 2017 with a formal notice on 19 July 2017.

JUDICIAL COMMITTEE GROUNDS

The Hearing Review Panel has approved the following grounds to be considered:

Issue 1: The removal of two seals in question and under whose's authority, and

Issue 2: Having been reported by the Series Scrutineer (John Wigston) was the matter appropriately and properly dealt with by the Clerk of the Course at the event.

These issues relate to Retired Furniture Season Finale race meeting held at Hampton Downs on 5th – 7th May 2017

HEARING PROCEDURE

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 123.

The Judicial Committee had been provided with a copy of Mr Wigston's inquiry request along with copies of relevant event documentation and a statement from Mr Steve Collier Assistant Clerk of the Course / CRO at event.

The two issues were closely related and therefore were heard together.

Mr Budd outlined the details of the request and reasons for approving the hearing.

Statements were heard from Dean Foster, John Wigston, Murray Brook (Mechanic Car 35) and Bob Friend.

Questions to clarify points of evidence presented were asked by the Judicial Committee, Brian Budd, John Wigston and Dean Foster.

Finding

The Judicial Committee having considered evidence and documents presented have reached the following findings:

Issue 1: The removal of two seals in question and under who's authority,

1. The seals were applied to Car 35 at the first round of series at Manfeild on 22 October 2016.
2. Mr Wigston applied new head and cam seals on the 11 April 2017 at Murray Brook's request after some work had been done but did not check other seals.
3. The new seals were noted in Car 35 logbook.
4. Mr Foster confirmed that the seals were missing but had no recall as to how or when this happened.
5. The two seals in question had not been checked since 22 October 2016.

Issue 2: Having been reported by the Series Scrutineer (John Wigston) was the matter appropriately and properly dealt with by the Clerk of the Course at the event.

1. Mr Friend was verbally informed after Race 1 that there was a technical infringement of missing seals from Car 35 in the NI NZ 6 Class,
2. No written report was provided at this time as Mr Wigston wanted to wait and see if he had any further issues during the day.
3. During the afternoon Mr Wigston left the report, in a blue folder, on the Clerk of the Course's desk.
4. Mr Friend and his staff were under a lot of pressure during the day with issues with another class.
5. Mr Wigston returned at the end of the meeting and seeing no apparent action on his report, he recovered it.
6. Mr Wigston did not ask Mr Friend if or whether he was going to take any action.
7. Mr Friend said that due to the pressures he forgot about the matter.

Summary of findings

Taking account of all the findings the Judicial Committee concludes that:

Issue 1: The removal of two seals in question and under who's authority,

1. The seals were applied to Car 35 at the first round of series at Manfeild on 22 October 2016.
2. Mr Foster accepts that the seals had been removed and were not present when the vehicle was checked at the Final Round of NI NZ6 Series at Hampton Downs on 7 May 2017.

Issue 2: Having been reported by the Series Scrutineer (John Wigston) was the matter appropriately and properly dealt with by the Clerk of the Course at the event.

1. Mr Wigston did not follow up as to whether his technical infringement report was received and actioned.
2. Mr Friend did not go back to Mr Wigston for paperwork of technical infringement or have a hearing to deal with technical infringement on Car 35.
3. Mr Friend was under pressure however he should have a process, and sufficient people, in place to handle all competition reports during a meeting.
4. Mr Wigston and Mr Friend were negligent in discharging their duties.

Decision

Taking account of all the factors put before it the **JUDICIAL COMMITTEE DECISION** is that:

1. Mr Foster (Competition Licence 160496X) is to be penalised as follows:
Penalty A2A.7 (b)
 - \$200 Fine
 - Exclusion from Final Round (Round 6),
 - Removal of all series points from 22 October 2016 until 7 May 2017.

2. Mr Friend (Officials Licence 938390Y) is to be penalised as follows:

Penalty Official 3

- Licence endorsed until 12 February 2018

And additionally

- Licence is to be downgraded to Silver until 12 February 2018

3. Mr Wigston (Officials Licence 930409Y) is to be penalised as follows:

Penalty Official 3

- Licence endorsed until 12 February 2018

4. Costs shall lie where they fall.

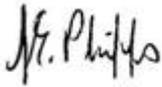
Recommendation

Taking account of all the factors put before it the **JUDICIAL COMMITTEE RECOMMENDATION** is that:

1. Scrutineer training include a session on Series Scrutineer responsibilities, particularly in relation to following up action of technical reports.
2. Series Co-ordinators undertake a pre-season briefing on the importance of technical infringements.

The Judicial Committee was unanimous in making its decision.

In conclusion had the procedure been followed through the matter would have been dealt with at the meeting.



J E Phipps
Chairman
For and on behalf of the Judicial Committee

DATED: 13th August 2017

This copy of the hearing proceedings and decision were provided to Chief Executive Officer, MotorSport NZ, by email at 22.00hr, 13th August 2017 as required by Article 123 (7), (c) of the National Sporting Code.