



MOTORSPORT NEW ZEALAND (INC)

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

- Mr Graeme Robertson (Chair)
- Mr Kelvin Booth
- Mr Dale Crossley

The parties concerned or interested;

Mr Paul Whitcombe (Competition Licence 160350X) – Competitor Car No 38

Mr Peter Rine (Competition Licence 017983X) – Competitor Car No 4

Mr Brandon Elder (Competition Licence 018435X) – Competitor Car No 48

Mr Malcolm Glen (Officials Licence 051761Y) – Clerk of the Course

Representing MotorSport NZ: Mr Bill Bawn

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 25 March 2017 and a Preliminary Notice was promulgated to the parties concerned or interested on 27 February 2017 with a formal notice on 3 March 2017.

JUDICIAL COMMITTEE GROUNDS

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

Issue 1: determine whether the penalties issued to the named competitors concerning the yellow flag incident during race 21 were clearly excessive or clearly inadequate, and

Issue 2: investigate and ascertain whether the Clerk of the Course has acted appropriately in the conduct of the hearing.

These issues relate to Race 21, OctoberFAST IRC Summer Series Round 1 race meeting held at Manfeild Circuit Chris Amon on 22nd - 23rd October 2016

HEARING PROCEDURE

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

Mr Elder was not in attendance. He advised Mr Bawn that he had a prior long standing engagement. No statement was received from him.

The Judicial Committee had been provided with a copy of Mr Whitcomes's inquiry request along with copies of relevant event documentation.

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

Statements were heard from Paul Whitcombe, Peter Rine, and Malcolm Glen. Tracey Stringer, CRO, and Vicky Rine were called as witnesses.

Questions to clarify points of evidence presented were asked by the Judicial Committee, Paul Whitcombe, Peter Rine, and Malcolm Glen.

Finding

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

Issue 1: *determine whether the penalties issued to the named competitors concerning the yellow flag incident during race 21 were clearly excessive or clearly inadequate,*

1. The light signals are located at all Flag Points.
2. The yellow and SC lights were required due to a vehicle off on the lefthand side of circuit just before Turn 7.
3. It was not possible to clearly establish when the Turn 6 and 7 lights were turned on. Insufficient and contrary evidence was presented.
4. No passing occurred between the cars involved between Turns 6 and exiting Turn 7.
5. The drivers confirmed that they saw lights at Flag Point 8.

Issue 2: *investigate and ascertain whether the Clerk of the Course has acted appropriately in the conduct of the hearing.*

1. The hearing summons was issued to all three competitors immediately prior to entering the hearing room. It was accepted that there was a delay between issuing the summons and its delivery.
2. The summons related to "Safety Car Deployment during Race 21" - Penalty A4Z.9.
3. The hearing related to Passing under Yellow - Penalty A4Z.2.
4. During the hearing process Mr Glen referred to flags and expressed surprise that the competitors had passed two flag points without seeing them. It was established that there were no flags at those points.

Summary of findings

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

Issue 1: *determine whether the penalties issued to the named competitors concerning the yellow flag incident during race 21 were clearly excessive or clearly inadequate.*

1. It was not possible to establish when the leading car #4 Peter Rine passed the light point at Turn 6 whether or not the light was turned on and flashing.
2. As soon as the drivers saw the light at Flag Point 8 they ceased racing.

Issue 2: *investigate and ascertain whether the Clerk of the Course has acted appropriately in the conduct of the hearing.*

1. Insufficient notice of hearing given to enable competitors to assemble any evidence required.
2. Incorrect subject of hearing given thereby not providing competitors with appropriate information regarding the hearing subject.
3. Due to both 1 and 2 above the competitors were denied any reasonable opportunity to present relevant evidence.
4. Mr Glen did not act in a fair and reasonable manner when setting up his hearing due to the time between summons delivery and hearing starting.
5. Mr Glen, by his actions, denied the competitors an opportunity to prepare for his hearing.

Decision

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

1. Clerk of the Course decisions 17-Paul Whitcombe, 18-Peter Rine and 19-Brandon Elder are set aside.
2. Mr Glen is reminded to ensure competitors have adequate time between summons delivered and hearing commencement.
3. Mr Glen is further reminded to provide accurate information as to actions and subsequent penalty he is considering when issuing summons
4. Costs shall lie where they fall.

The Judicial Committee was unanimous in making its decision.

A handwritten signature in black ink, appearing to read 'G J Robertson', followed by a long horizontal line extending to the right.

G J Robertson
Chairman
For and on behalf of the Judicial Committee

DATED: 26th March 2017

This copy of the hearing proceedings and decision were provided to Chief Executive Officer, MotorSport NZ, by email at 09:40hrs, 26th March 2017 as required by Article 123 (7), (c) of the National Sporting Code.