



MOTORSPORT NEW ZEALAND (INC)

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

Mr Dale Crossley (Chair)
Mr Graeme Robertson
Mrs Janet Phipps

The parties concerned or interested;

Mr Simon Gilbertson (Competition Licence 985028X)
Mr John McIntyre (Competition Licence 051214X)
Mr Simon Evans (Competition Licence 062554X)
Mr Chris Hanley (Competition Licence 084314X)
Mr Steve Collier (Officials Licence 071792Y)

Representing MotorSport NZ: Mr Terry Carkeek

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 15 June 2018 in Stewards Room, Pukekohe Park Raceway, Pukekohe. A Notice was promulgated to the parties concerned or interested on 30 May 2018.

PURPOSE OF HEARING

Under NSC Part X, MotorSport New Zealand has inquired into the matter and an Inquiry Review Panel has determined that as a result, a Judicial Committee Hearing be convened to consider the matter which is the subject of this complaint.

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

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| ISSUE 1 | To hear a Protest which was lodged by Simon Gilbertson to the Stewards at the first round of the Eneos North Island Endurance Series at Hampton Downs Motorsport Park (National Circuit) which as a result of circumstances at the time was not able to be heard. |
| ISSUE 2 | To establish the results of the Three-Hour Race which ended with a Red Flag on lap 134. |
| ISSUE 3 | To consider the position of competitors in the results caught in Pit Lane when the race was red flagged and classified as DNF.
<i>It is understood that multiple inquiries were lodged at the time but no action was taken. Inquiry forms are not available as they were not included in the event paperwork.</i> |

These issues relate to ENEOS North Island Endurance Series, Round One held at Hampton Downs on 19th May 2018.

HEARING PROCEDURE

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

Mr Carkeek outlined the details and reasons for approving the hearing.

The Judicial Committee had been provided with a copy of Mr Gilbertsons protest form, the event Stewards report and various notices regarding calling and then deferring Gilbertson protest hearing. Mr Carkeek provided AMB Passings Report which details a continuous order of cars passing the finish line.

Statements were heard from Simon Gilbertson, John McIntyre, Simon Evans, Chris Hanley and Steve Collier

Questions to clarify points of evidence presented were asked by the Judicial Committee, Terry Carkeek Simon Gilbertson, John McIntyre, Simon Evans, Chris Hanley and Steve Collier.

Finding

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

ISSUE 1 To hear a Protest which was lodged by Simon Gilbertson to the Stewards at the first round of the Eneos North Island Endurance Series at Hampton Downs Motorsport Park (National Circuit) which as a result of circumstances at the time was not able to be heard.

1. The protest was lodged in time.
2. The decision to defer the hearing is valid.
3. The result is addressed in Issue 2 of this decision.

ISSUE 2 To establish the results of the Three-Hour Race which ended with a Red Flag on Lap 134.

1. Cars #87, #88, #95 and #888 were off at Turn 1 on Lap 133.
2. SC boards were displayed on Lap 133.
3. Red flag was displayed on Lap 134.
4. Race results were incorrectly declared on Lap 134. This did not comply with Schedule Z 13.2 (1) (b) (iii) and (v)
5. The Stewards were not involved in the decision not to restart or the race distance as required in Schedule Z 13.2 (1) (b) (v).

ISSUE 3 To consider the position of competitors in the results caught in Pit Lane when the race was red flagged and classified as DNF.

1. #17 and #351 entered pit lane approx 1min 30seconds before Red Flag.
2. Pit Lane exit was closed on Lap 134.
3. This prevented any cars wishing to exit the pits to pass under the finishing flag as provided for in Schedule Z 15.3.

Summary of findings

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

ISSUE 1 To hear a Protest which was lodged by Simon Gilbertson to the Stewards at the first round of the Eneos North Island Endurance Series at Hampton Downs Motorsport Park (National Circuit) which as a result of circumstances at the time was not able to be heard.

1. See Issue 2
2. Examination of the passings report shows clearly that #18 was the leader concluding Lap 133.

ISSUE 2 To establish the results of the Three-Hour Race which ended with a Red Flag on Lap 134.

1. The race should have been declared as the leader completed Lap 133 - Schedule Z 13.2 (1) (v) applies.
2. The passing report shows that #18 was the leader at the time.
3. Cars #78, #88,#95 and #888 were the cause of the Red Flag being displayed.

ISSUE 3 To consider the position of competitors in the results caught in Pit Lane when the race was red flagged and classified as DNF.

1. Schedule Z 15.3 requires a competitor to pass the finish flag. However because of Red Flag and closing of pit exit, two competitors were prevented from entering the track to achieve this.
2. Due to the circumstances it is not appropriate to enforce Schedule Z 15.3 when determining a finisher.
3. It is logical to place those competitors, who had not withdrawn, into results in the order of their last completed lap.

Decision

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

1. The race is declared at conclusion of Lap 133.
2. Mr Gilbertsons protest fee be refunded.
3. Cars #78, #88, #95 and #888 will not feature in the result (Schedule Z 13.2 (1) (b) (vi) applies)
4. Cars #17 and #351 are to be included in the result, #17 at 115 laps and #351 at 121 laps.
5. Costs shall lie where they fall.

Recommendation

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

1. Variance in Schedule Z 13.2 (1) (b) (iii) and (v) as who authorises conclusion of race should be reviewed. Our recommendation is that this responsibility lies with the Clerk of the Course. This will protect the competitors right to protest.

The Judicial Committee was unanimous in making its decision.

Dale Crossley
Chairman
For and on behalf of the Judicial Committee

DATED: 15th June 2018

The decision was announced to competitors at 1900hrs, 15th June 2018 and they were reminded of their rights of appeal.