



MOTORSPORT NEW ZEALAND (INC)

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

- Mr Martin Fine (Chair)
- Mr Graeme Robertson
- Mr Kelvin Booth

TO:

The parties concerned or interested;
Mr Andrew Porter, (Competition Licence 140892X) - Competitor
Mr Wayne Shieffelbein, (Officials Licence 007374Y) – Clerk of the Course

MOTORSPORT NEW ZEALAND (INC) under the powers set out in Articles 118 to 120 of the National Sporting Code, held before the Judicial Committee appointed by the Board on 22 March 2016.

THE PURPOSE OF THE HEARING

To determine whether there was a breach of the National Sporting Code Article 94(g) during the Southern Thunder Race Meeting held at Teretonga Park 22-24 January 2016 based on a report from the Stewards of the meeting where it was that Mr Andrew Porter had verbally abused and used threatening behavior against Mr Shieffelbein, the Clerk of the Course during, or shortly after a meeting of all Super Truck competitors held on Saturday 23 January 2016.

HEARING PROCEDURE

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 120.

FINDINGS

The matters alleged in the report from the Steward were fully canvassed between the parties.

1. The Competitor, Andrew Porter, in this statement to the Committee, admitted the matters alleged had occurred, acknowledged that his actions were abusive and offensive and apologised to the Clerk of the Course.
2. A clear breach of Art 94 had occurred and the matter was, on the evidence of the Clerk of the Course and the statements received, at the serious end of the scale of offending.
3. There was evidence suggesting that circumstances leading up to the incident had contributed to the frustration felt by the Competitor which had a bearing on the matters complained of.
4. Officials, as volunteers deserve the full support of MotorSport NZ in carrying out their duties under the National Sporting Code.
5. Competitors are bound by the terms of the National Sporting Code and agree to be bound by the obligations imposed upon them by it particularly in relation to fundamental sporting obligations.
6. It is also incumbent upon Motorsport NZ to ensure that its rules are applied fairly and effectively and that where Judge of Fact powers are exercised adequate safeguards are available to ensure that there is no breach of natural justice.
7. On the facts as presented and acknowledged, Competitor Andrew Porter failed to meet the standards required of him under the National Sporting Code.

DECISION

The Committee found that the allegations against Andrew Porter were proved.

PENALTY

1. A fine of \$3,000 is imposed.
2. Competitor, Andrew Porter's competition licence is suspended for a period of 6 months from the date of this decision.

FURTHER COMMENTS

It is suggested that MotorSport NZ review its use of Judge of Fact powers to ensure that these powers can be applied in a manner that is fair and accordance with the principles of natural justice.

DECISION BY EMAIL

All parties agreed that the decision could be provided by email sent at an agreed time being 12.00pm on 23 March 2016 to all parties..

RIGHT OF APPEAL

The parties are reminded of the right of appeal to the National Court of Appeal in accordance with Part XI of the National Sporting Code.

M Q Fine
Chairman
For and on behalf of the Judicial Committee

DATED this 23rd day of March 2016

