



## **MOTORSPORT NEW ZEALAND (INC)**

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

- Mr Graeme Robertson (Chair)
- Mr Paul Te Punga
- Mr David Kirk

The parties concerned or interested;

Mr Josh Bethune (Competition Licence 161384X) – Competitor Car No 32

Representing MotorSport NZ: Mr Brian Budd – CEO, MotorSport NZ

**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.

### **JUDICIAL COMMITTEE GROUNDS**

As the result of an Inquiry Report prepared by the CEO a hearing has been determined to be convened to consider Stewards Decision ST4 relating to #32 Josh Bethune – Formula 1600 at Ruapuna on 14 January 2018. The purpose of the hearing is to:

- (a) Establish whether or not the information received subsequent to the Stewards Hearing justifies that Stewards decision ST4 be rescinded and the penalties applied or removed or that there is sufficient grounds for the application by Josh Bethune to proceed in front of the National Court of Appeal.
- (b) To determine action to be taken

These issues relate to Formula 1600 Race 3, Speedworks MotorSport NZ Championship held at Mike Pero Motorsport Park - Ruapuna on 12-14 January 2018.

### **HEARING PROCEDURE**

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 123 and was held by audio conference call.

Mr Budd advised that in light of the information and purpose of the hearing Mr Bethune had not been invited to take part in the hearing. Mr Bethune is aware of the hearing and that his Appeal has not yet been processed.

The Judicial Committee had been provided with a copy of Mr Paterson's (Chairman of Stewards Panel) request and Mr Budd's inquiry report along with copies of relevant event documentation.

Comments from MSNZ Technical Department and emails clarifying points of Mr Budds report were also tabled.

Mr Budd outlined the situation from Mr Patersons request and his subsequent report.

Questions to clarify points of evidence presented were asked by the Judicial Committee.

## Finding

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

1. The Inlet Manifold (095) is a 'Control Part' and had engraving on the carburetor mounting face that was still recognizable.
2. There were no engraving marks visible on the cylinder head mounting face.
3. Schedule F Article 2.1 specifies the requirements for Control Parts.
4. Schedule F Article 12.5 specifies the Inlet Manifold is a control part.
5. Schedule F Article 12.5.1 prohibits any modification to the control part.
6. Both the Technical Department report and Mr Budd's report cast some doubt on whether the cylinder head mounting face was supplied with engraving marks.
7. Mr Budd's email clarifications state "There is no evidence that the manifold in question had engravings on both faces when it was sold and that is part of the problem, we can't prove it" and further Mr Budd's report also states "...there is very little documentation that can identify what markings/measurements applied to manifolds that left the office."
8. There have been a number of modifications that have been previously permitted to the manifold casting that are not reflected in Schedule F, eg removal of posts.
9. A more robust recording of manifold details, when they are supplied, has been introduced. – this will be in use from Manifold #107.

## Summary of findings

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

1. There is insufficient evidence available to ensure that MSNZ engravings were on the cylinder head mounting face of manifold 095 used by Mr Bethune.
2. An amendment to F1600 Technical regulations is required to accommodate previously approved casting modifications. The amendment should also re-remind competitors of modifications permitted to the control part.
3. Urgent work is necessary to protect the integrity of all previously supplied manifolds to ensure that they comply with Schedule F.
4. It is accepted that MSNZ Officials (Stewards – Wade Paterson, Barry Higham, Paul Kendrick, Race Director - Adam Simmons and Technical Officer - Dave McCahon) carried out their duties as required and acted appropriately in dealing with this matter. The issues have been raised subsequent to their actions and were not available at the meeting.

## Decision

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

1. Stewards decision ST4 is set aside. The protest fee and any associated monies are to be returned to Competitor Josh Bethune and any record of licence endorsement removed.
2. A robust method of issuing control parts be introduced so that they can clearly be identified and policed for any forbidden modifications
3. Given our decision #1 it is not now appropriate for Mr Bethune to proceed with a National Court of Appeal application and his fee is to be returned.

The Judicial Committee was unanimous in making its decision.



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

**DATED:** 1 February 2018

This copy of the hearing proceedings and decision were provided to Chief Executive Officer, MotorSport NZ, by email at 12:20Hrs, 1 February 2018 as required by Article 123 (7), (c) of the National Sporting Code.