



MOTORSPORT NEW ZEALAND (INC)

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

- Mr Graeme Robertson (Chair)
- Mr Kelvin Booth
- Mr Raymond Bennett

Mr Michael McLean (Competition Licence 127605X)
Ms Donna Elder (Officials Licence 939332Y)
Mr Rod Bracegirdle (Officials Licence 912517Y)
Mr Trevor Corbin (Officials Licence 039811Y)

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 25 August 2018 in Manawatu Car Club Clubrooms, Manfeild Park, 120 Kawakawa Road, Fielding. A Notice was promulgated to the parties concerned or interested on 3 August 2018.

PURPOSE OF HEARING

The Clerk of the Course Report and the Stewards Report submitted following the Pattison Road Gravel Sprint held on Sunday 22 April 2018 highlighted an incident that occurred during the event that involved abusive language used by a competitor towards officials of the event.

A subsequent written account of the incident was submitted to MotorSport NZ.

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.

This Inquiry is convened to:

- investigate the allegations
- establish if there has been any breach of the NSC
- consider if any penalty should be applied.

HEARING PROCEDURE

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

Mr Carkeek outlined the details and reasons for the hearing.

The Judicial Committee had been provided with a copy of reports from Clerk of the Course (Trevor Cobin) and Stewards (Rod Bracegirdle) as well as an email from Donna Elder.

Statements were heard from Trevor Corbin, Rod Bracegirdle, Donna Elder and Michael McLean.

Questions to clarify points of evidence presented were asked by the Judicial Committee, Terry Carkeek Trevor Corbin, Rod Bracegirdle, Donna Elder and Michael McLean.

Finding

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

- Michael McLean had entered the event
- Michael McLean car broke down during a practice run
- Michael McLean requested to use another car
- This request was not given because the club appears to have a principle against swapping of cars.
- Michael McLean approach the event control caravan and abused the officials there, specifically Donna Elder
- This abuse was verified by Donna Elder, Michael McLean and Trevor Corbin.
- Trevor Corbin did not hold a hearing as provided for in NSC 94 (7)
- Rod Bracegridle, subsequently did not hold a formal hearing but had a discussion with Michael McLean regarding his behaviour.
- Michael McLean apologised for his behaviour in an email to Donna Elder later on the day of the incident.
- Michael McLean is a graduate of the Elite Motorsport Academy

Summary of findings

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

- There was clearly abuse by Michael McLean to Donna Elder.
- This abuse must be consider at a high level
- A private email apology does not replace public abuse.
- There was clearly a breach of NSC 94 (7)

Decision

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

1. Penalty NSC 7 must apply as required in NSC 94 (7)
2. A fine of \$4000 of which \$3000 is suspended for 12months
3. Mr McLeans competition licence is endorsed for 12months.
4. Mr McLean is to write a letter of apology to Hawkes Bay Car Club within 7 days of this hearing.
5. Costs shall lie where they fall.

The Judicial Committee was unanimous in making its decision.



Graeme Robertson
Chairman
For and on behalf of the Judicial Committee

DATED: 25th August 2018

The decision was announced to competitors at 1045hrs, 25th August 2018 and they were reminded of their rights of appeal.