



MOTORSPORT NEW ZEALAND (INC)

NOTICE OF DECISION OF A JUDICIAL COMMITTEE APPOINTED BY THE BOARD

Membership

- Wayne Scott (Chair)
- Chris Adams
- Barry Higham

The parties concerned or interested;

Mr Tony Quinn
Mr Damon Leitch (Competition Licence 063132X)
Mr Mark Pilcher
Mr Brendan Leitch (Competition Licence 095545X)
Ms Christina Orr-West (Competition Licence 056673X)
Mrs Deborah Day
Mr Wayne Shieffelbein (Officials Licence 007374Y)
Mr Paul Rosel (Officials Licence 985466Y)

Representing MotorSport NZ: Mr Terry Carkeek

MOTORSPORT NEW ZEALAND (INC) under the powers set out in Articles 118 to 122 of the National Sporting Code, considered the issues brought to its attention and has convened a hearing to be held before the Judicial Committee appointed by the Board.

The Hearing was held on 10 October 2018 at the Southland Sports Car Club clubrooms, Sandy Point Road Otatara Invercargill commencing at 5.30pm. The parties concerned or interested were advised of the Hearing by Notice given on 5 October 2018

BACKGROUND

During Round One of the South Island Endurance Series held at Teretonga on Saturday 15th September 2018 it was observed that Car 95 had come to a stop some 100 metres short of the finish line on the final lap. Car 36, after taking the chequered flag, was then observed to have pushed Car 95 which then enabled it to cross the finish line.

When the race results were published, neither Car 36 nor Car 95 featured in the results for the Race 2.

The CotC Closing report shows that Car 95 was declared as 'DNF' and Car 36 was excluded from the results of Race 2

The Teams of Car 36 and Car 95 were not informed of their exclusion from the race results, however both Teams became aware of their exclusion when they were handed the race results some 45 minutes, approximately, later.

From event paperwork it appears that no Hearings were held prior to the two documented penalties being applied and no Decision Forms were completed.

Both Car 36 and Car 95 submitted Protest Forms that were not actioned at the event.

INQUIRY REVIEW PANEL CONSIDERATION:

Under NSC Part X, MotorSport New Zealand has inquired into the matter and a Review Panel has determined that as a result, a Judicial Committee Hearing be convened to consider the matter.

PURPOSE OF HEARING

Accordingly, MotorSport New Zealand appointed this Judicial Hearing pursuant to the provisions of Part X, Articles 118 to 122 of the National Sporting Code and to consider the following issues:

Issue 1:

- Car 95 became stationary on the final lap of Race 2 approximately 100 metres short of the finish line. Car 95's momentum was assisted, through a pushing action, by Car 36 such that Car 95 was able to cross the finish line to complete Race 2. This would be a breach of App Four, Schedule Z 15.3 for Car 95.

Issue 2:

- Car 36, having completed Race 2 and proceeding to Parc Ferme, was observed pushing Car 95 to assist it to cross the finish line. This would be a breach of App Four Schedule Z 10.6 for Car 36.

Issue 3:

- The CotC Closing Report details two penalties:
 - (i) Car 95 - DNF as it did not cross the finish line under its own power. Schedule Z 15.3.
 - (ii) Car 36 - Exclusion. In breach of Schedule Z 10.6. Pushing of a vehicle by a driver or by another competing vehicle along the circuit or pushing it across the finishing line is not allowed and will entail immediate exclusion of the vehicle or vehicles concerned.
- While penalties were recorded in the Closing Report, no Hearings had been held and no Decisions were issued
- If penalties were applied without a hearing this would appear to be a breach of NSC Part VIII 93 (1).

HEARING

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 122

Parties present at the Hearing were:

- Mrs Deborah Day
- Mr Damon Leitch
- Mr Wayne Shieffelbein
- Mr Paul Rosel

Attending on behalf of MotorSport New Zealand - Mr Terry Carkeek.

In attendance as observers

- Mr Noel Atley
- Mr Roger Laird

Mr Carkeek outlined the background and the reasons for the Hearing.

Mrs Day submitted that Car 95 was not stationary as alleged, that the driver was resetting the fuel pump, and additionally was using the starter motor for movement.

Mrs Day stated that a primary concern was that of the lack of natural justice, in that there had been no hearings for the penalties imposed, nor had decision forms been issued.

Further Mrs Day submitted that as the results were the first advice to the Teams of the penalties, the protest time was in fact 60 minutes, as it was against the decision of an official as first advised in the results, and not just the results themselves.

Mrs Day also contended in relation to Car 36 that as it had crossed the finish line and taken the chequered flag, it was no longer a competing vehicle subject to the provisions of Schedule Z Article 10.6.

Mr Shieffelbein stated that he was clear that Car 95 was stationary before the finish line, had been pushed by Car 36, and that he had accordingly concluded that the vehicle was considered a DNF. He noted there had been some discussion and consensus with the Stewards as to process.

Mr Shiefflebein accepted that hearings should have been held, and noted that the words "immediate exclusion" in Sch Z Art 10.6 were a factor in his actions.

He advised that it was his belief at the time that all issues had been resolved prior to the meeting with the Stewards at the end of the event.

All parties were in agreement that Car 95 had been pushed towards the finish line by Car 36..

FINDINGS

The Judicial Committee makes the following findings:

- 1. That at the end of Race 2 Car 36 pushed Car 95 towards the finishing line
- 2. At the time Car 95 was on its final lap, and Car 36 had crossed the finish line and was on its slow down lap to the designated parc ferme.
- 3. Accordingly Car 36 is deemed to be a competing vehicle at the time of the incident.
- 4. This action was a breach of Schedule Z Article 10.6 in respect of both vehicles.
- 5. Schedule Z Article 10.6 provides for the immediate exclusion of the vehicle or vehicles concerned for such a breach.
- 6. A penalty was imposed against Car 95 of DNF for a breach of Sch Z Article 15.3 (noted in the results as DQ)
- 7. A penalty was imposed against Car 36 of exclusion for a breach of Sch Z Article 10.6 (noted in the results as DQ)
- 8. The penalties were imposed by the Clerk of the Course without a hearing, a decision form, nor advice to the competitors other than the published results.
- 9. NSC Article 93(1) provides that prior to any penalty (except a time or drive through penalty) being imposed, a proper hearing must be held.
- 10. Protests lodged by both competitors were not heard.

DECISION

The Judicial Committee decides

- 1. That the penalty imposed by the Clerk of the Course on Car 95 of DNF be set aside and replaced with the penalty of exclusion for breach of Schedule Z Article 10.6. (Schedule P, A 4Z.10 refers)
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- 2. That the penalty imposed on Car 36 of exclusion be confirmed for a breach of Schedule Z Article 10.6. (Schedule P, A 4Z.10.refers)
- 3. That the Official Licence of the Clerk of the Course be endorsed for 3 months for failing to observe NSC 93(1) (Necessity for hearing prior to imposition of penalty) (Schedule P, 6.2 Official.3 refers)
- 4. That it be recommended that Schedule Z be amended to remove the word "immediate" from Article 10.6
- 5. That officials be reminded of the need to ensure closure of all issues relating to their responsibilities prior to departing an event.
- 6. That costs lie where they fall



Wayne Scott
Chairman
For and on behalf of the Judicial Committee

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