

**DECISION OF THE INQUIRY PANEL APPOINTED BY MOTORSPORT NEW ZEALAND, NAMELY:**

- Wayne Scott (Chairman)
- Graeme Robertson
- Barry Higham

**THE PARTIES CONCERNED**

- Joel Giddy
- Nick Chester (NIERDC)
- Mark Petch (NIERDC)
- Malcolm Glen (Race Director)
  
- Raewyn Burke (MotorSport NZ representative)

**MOTORSPORT NEW ZEALAND (INC)** under the powers set out in Articles 118 to 122 of the National Sporting Code, specifically Article 118 (1) and Article 122 (2) considered an application for an Inquiry Hearing into the events surrounding Joel Giddy at Round 2 of the North Island Endurance Series regarding the incorrect ECU map and his subsequent disqualification. The meeting was held under a National Race Organising Permit (231686).

**BACKGROUND**

On 17 May 2024, the MotorSport NZ Sporting Manager, Raewyn Burke approved an amendment (1HR-24-A003) to the NIERDC, SIERDC and NZ Endurance Championship Articles for the 1 Hour events amending Article 1.2.1 contained within the 2024 1 Hour Endurance Series - Part Four.

This amendment requested by, and once approved, was circulated to the Club's contact, Nick Chester, on behalf of the North Island Endurance Series. Additionally, the Race Directors and Series Scrutineers for Series' were also notified of this amendment.

At Round 2 of the Series, Mr Giddy finished in P3 at the conclusion of the 1 Hour race. His vehicle was checked for technical compliance where it was found to be in breach of Article 1.2.1 contained within the 2024 1 Hour Endurance Series - Part Four.

As a result, there was a penalty imposed on Mr Giddy by the Race Director in relation to the incorrect ECU map being found loaded into the ECU. This map was compliant prior to the amendment being published.

Subsequently however, it has been confirmed by email from the Club that the competitors of the Series were not notified of the amendment in writing and therefore Mr Giddy was unaware of the change to Article 1.2.1 contained within the 2024 1 Hour Endurance Series - Part Four.

A request has been received from Mark Petch on behalf of the North Island Endurance Racing Drivers Club to rescind the decision imposed.

### **INQUIRY REVIEW PANEL REPORT**

An Inquiry Review Panel was established under Article 121(1) of the National Sporting Code.

Under the provisions of NSC Part X Article 121 (2), the Inquiry Review Panel considered the evidence noting the matter at issue is in relation to the exclusion of a competitor from an event as a result of a technical infringement contained in an amendment which he had no knowledge of.

The Inquiry Review Panel was unanimous in its decision in determining that an Inquiry Hearing be convened.

### **INQUIRY HEARING**

An Inquiry Hearing pursuant to the provisions of Part X, Articles 118 to 122 of the National Sporting Code was held via Zoom on 12 June 2024 at 3.30pm. The Panel was together at Novotel Airport Hotel, Christchurch.

Those in attendance were:

Novotel Airport Hotel:

- Wayne Scott (Chairman)
- Graeme Robertson
- Barry Higham

Zoom:

- Joel Giddy
  - Nick Chester (NIERDC)
  - Mark Petch (NIERDC)
  - Malcolm Glen (Race Director)
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- Raewyn Burke (MotorSport NZ representative)

The Inquiry Panel was tasked with:

- To consider the written information and hear evidence from the parties called.
- To consider the circumstances surrounding why the competitor was unaware of the amendment.
- To consider whether the decision imposed has resulted in a miscarriage of justice.
- Consider any other associated matters as may be identified by the hearing.
- Consider whether there are any recommendations or findings to be made.

### **DOCUMENTS PROVIDED**

- (1) Amendment 1HR-24-003
- (2) 2024 1 Hour Endurance Articles (17 May 2024)
- (3) Decision against Joel Giddy (Decision #5)

- (4) Email correspondence request for Inquiry Hearing from Mark Petch
- (5) Email correspondence between Nick Chester and Raewyn Burke
- (6) Inquiry Review Panel Decision
- (7) Email correspondence from Gary Lathrope
- (8) Email correspondence from Joel Giddy
- (9) Email correspondence from Malcolm Glen

## HEARING

On opening the hearing, the Chairman outlined the process which would be followed, and noted the tasks the Panel was charged with addressing.

The Panel heard evidence from Nick Chester, Mark Petch, Joel Giddy, and Malcolm Glen.

## FINDINGS

The Panel record that the National Sporting Code 18 sets out the authority for amendments to Sanctioned Series Articles and in particular 18(2) regarding notification of an approved amendment.

NSC 18 (2) Sanctioned Series: No organiser of a Sanctioned Series may amend the Articles of the Series after the date listed for the opening of entries in the Series unless MotorSport NZ deems such amendment is in the best interests of the sport. Following any such amendment, the organiser shall notify in writing all Sanctioned Series entrants of the fact that MotorSport NZ has approved the amendment.

- *To consider the circumstances surrounding why the competitor was unaware of the amendment.*

Amendment 1HR-24-A003 was requested by Nick Chester on behalf of NIERDC and approved by MSNZ on 17 May. It was sent to Nick Chester, Malcolm Glen, Race Director and Justin Scelly, Series Scrutineer. It was established that none of these parties distributed the amendment any further.

The person, appointed by NIERDC, in the series articles, to handle administrative matters is Gary Lathrope. It was confirmed that the amendment was not sent to him and consequently not distributed to all entrants.

Mr Giddy confirmed that he had not received the amendment prior to his race.

- *To consider whether the decision imposed has resulted in a miscarriage of justice.*

At the conclusion of the 1 hour race Mr Giddy's car was found not to be in conformity with the requirements of Amendment 1HR-24-A003 and disqualified. It was established that his vehicle was in conformity with requirements prior to the amendment being issued.

Given the requirements of NSC18 (2) had not been met the amendment cannot be considered valid for this meeting.

## **DECISION**

The Inquiry Panel, following consideration of the information and evidence, decide:

1. That Race Director decision #5 be rescinded.
2. That Mr Giddy be reinstated in 3<sup>rd</sup> place, for the 1 Hour race.
3. That the results of the 1 Hour race be amended and reissued.
4. That the Series points be amended and reissued.

## **RECOMMENDATIONS**

1. That NSC 18 (2) be amended to specifically provide for notification of amendments to the Series Coordinator for distribution.

## **RIGHT OF APPEAL**

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

**DATED** this 13<sup>th</sup> day of June 2024



**WAYNE SCOTT**

**CHAIRMAN**

Distributed to all parties by email at 9:00am on 13/06/2024.