

MOTORSPORT NEW ZEALAND JUDICIAL COMMITTEE HEARING DECISION

MOTORSPORT NEW ZEALAND INC (MSNZ)

DECISION OF THE JUDICIAL COMMITTEE APPOINTED BY MOTORSPORT NEW ZEALAND, NAMELY:

- Wayne Christie (Chair)
- Graeme Robertson
- Craig Finlayson

THE PARTIES CONCERNED

- Carson Daly (Competition Licence 242250X)
- Riley Boswell (Competition Licence 232721X)
- Cooper Cooley (Competition Licence 210824X)
- Michael Kennedy (Competition Licence 127254X)
- Nathan Pilcher (as a team representative)
- Malcolm Clunie (Officials Licence 061575Y)
- Mark Maclean (Officials Licence 912585Y) on behalf of the Stewards panel
- Tim Hill on behalf of NZIGP (organising club)

ALSO ATTENDED

- Wendy Metcalf (called by Malcolm Clunie as a witness)
- Vijay Dheda (called by Malcolm Clunie as a witness)

BACKGROUND

Following Race 22 (Race 3 of the BMW E46 Class) at the NZIGP Great Lake Taupo event on 29 March 2026, five Requests for Inquiry were received by MSNZ. The requests raised concerns across two broad areas. The first area related to the circuit limits enforcement process, including the appointment and communication of Judges of Fact, the absence of on-track warnings or signalling during the race, the pre-preparation of penalty decisions prior to any hearing, the alleged disproportionate nature of penalties applied, and the length of time competitors were held at the circuit following the conclusion of the race. The second area related to the deployment of a Full Course Yellow during the final laps of Race 3 without Safety Car intervention, the authorisation and appropriateness of that procedure, and its potential influence on the race outcome and safety.

PURPOSE OF THE HEARING

Accordingly, MSNZ called for a Judicial Committee Hearing to be held pursuant to the provisions of Part X, Articles 118 to 122 of the current MSNZ National Sporting Code (NSC) to consider the following issues identified in the Notice of Judicial Committee Hearing in accordance with Part X of the NSC), and in particular Article 122.

- Whether the appointment and use of Judges of Fact for track limits was communicated to competitors in accordance with the requirements of the Code;
- Whether the circuit limits enforcement process applied during Race 3 of the BMW E46 Class was carried out in accordance with the National Sporting Code and applicable regulations, including whether competitors were afforded natural justice prior to penalties being issued;
- Whether the penalties imposed were consistent with established precedent and proportionate to the alleged breaches;
- Whether the deployment of a Full Course Yellow during the final laps of Race 3 was authorised, correctly applied, and implemented in accordance with applicable regulations;

- Whether the conduct of the Clerk of the Course in connection with all of the above matters was carried out in accordance with their duties and applicable regulations, including the timeframes related to decision making;
- Any other matters arising in connection with the above.

DOCUMENTS SUPPLIED

1. Request for Inquiry on behalf of Carson Daly
2. Request for Inquiry on behalf of Cooper Cooley
3. Request for Inquiry on behalf of Riley Boswell
4. Request for Inquiry from Michael Kennedy
5. Request for Inquiry from Nathan Pilcher
6. Complaint from Tim Hill (NZIGP)
7. Reports of the Inquiry Review Panels in respect of each request for Inquiry
8. Event documentation

THE HEARING

The Hearing was held by video conference commencing at 18:00 hrs on Thursday, 4 June 2026, and was conducted in accordance with Article 122 of the NSC.

The Chair opened the Hearing, introduced the Committee members, and announced that Wendy Metcalf and Vijay Dheda were also attending as witnesses for Malcolm Clunie.

The five Requesters for the Inquiry (collectively referred to as the Competitors) outlined their reasons for their requests with a consistent and collective review of their concerns summarised as:

- That the appointment of the Judges of Fact for track limits and communication of said appointments was not in accordance with the NSC, and therefore materially altered the enforcement process;
- During Race 22 race radio was used instead of the display board at the start/finish line to convey penalties issued during the race, but was not heard by competitors;
- No black and white flag split diagonally together with a competitor number was displayed at the start/finish line to convey a sportsmanship warning or used to signal that a time penalty had been issued;
- On lap 7 of the race a full course yellow (FCY) was initiated by the Clerk of the Course (CotC), a process not defined within the NSC, creating confusion amongst competitors;
- Competitors were instructed to remain at the circuit with no reason provided for an unreasonable period of time before being called to the CotC;
- Competitors were not afforded an opportunity to present their case to the CotC before being issued with a penalty in addition to a time penalty, a breach of the NSC;
- The penalties issued were inconsistent with previous penalties issued during the event and with precedents set by previous events.

Other points raised by individual competitors included a request for the penalties to be set aside, greater consistency around future events, that the requirement to remain at the circuit for such a long period created a health & safety issue for competitors and volunteers travelling home late at night, and a call for a process to better accommodate competitors around such judicial issues when competing at “away” events.

The concerns raised were discussed in considerable detail, particularly around the use of race radio, the fact that no warnings for exceeding circuit limits were displayed, the time taken for decisions to be issued and that the penalties issued were inconsistent with penalties applied in earlier races.

Malcolm Clunie, as CotC, provided his statement in response to the concerns raised by the Competitors, summarised as:

- The circuit enforcement process was carried out by race radio due to the number of competitors exceeding circuit limits on each lap making it unlikely that the personnel at the start/finish flag point would be able to display the competitor numbers in time each lap;
- There were known issues with race radio not being heard by competitors at Taupo;
- The FCY was used to gain control of the race due to the standard of driving and number of circuit limit breaches being committed;
- It was accepted that the use of the FCY may have been an error;
- The penalties issued for circuit limit breaches reflected the consistent abuse and disrespect of the circuit limits by the competitors in the class and were applied to competitors following notice and warnings being provided in the written drivers briefing, a verbal drivers briefing, earlier E46 races, and a meeting called for the E46 class on Sunday morning specifically about the circuit limit breaches;
- The delay in issuing the penalties was due to the number of infringements, fact checking to ensure the correct competitor had been identified and dealing with the other classes under the control of the CotC.

Mr Clunie was then questioned on various aspects of procedures applied during and following Race 22 including the use of race radio to convey penalties, the application, level and consistency of the penalties issued, and the summons and hearing process employed to issue the penalties.

Mr Clunie also provided to the Committee a copy of the log used for recording incidents and penalties applicable to Race 22.

During these discussions it was established that some competitors were not issued with a summons to appear at a hearing with the CotC. The CotC advised that because the penalties issued were the result of Judge of Fact decisions no hearing was required. However, because the penalties included a fine and endorsement of licence a hearing was in fact required, and that because the CotC decisions had been timed at the time of decision and not the time of issue, the ability of the competitors to protest was compromised.

Mr Clunie accepted that there is no procedure prescribed in the NSC or its appendices for a FCY, and that a more appropriate measure to address the driving standards issues he was encountering would have been to red flag the race given the stage that the race was at in terms of laps completed.

At this point the Competitors were excused from the Hearing.

Tim Hill then spoke of his concerns around the race management procedures and other issues, summarised as:

- Inconsistency of penalties within different classes at the event and across the sport in general;
- The time taken for decisions when racing for the event finished at 16:00 hrs but competitors and officials were still at the circuit at 21:00 hrs when they were required to leave;
- The late leaving time at Taupo created an issue for NZIGP as they were issued a lateness fee by the Taupo circuit;
- The suggestion that another process might be needed when such delays occur.

The complaint received from Mr Hill included the comment that NZIGP would reconsider the suitability of MSNZ officials nominated for their next event. It was clarified that only the stewards are appointed by MSNZ and other officials are appointed by the organiser, in this case being the Taupo Car Club as the provider of officials with NZIGP as the organiser and permit holder.

Wendy Metcalf (Competitor Relations Officer (CRO) for the event) explained that it had been a very busy event for incidents with more than 50 decisions being issued over the two days. She provided a brief timeline of her involvement with the Race 22 decisions and suggested that consideration of how race radio is used be undertaken.

Mark Maclean (Chair of the Stewards) advised that during the protest hearings the Stewards reduced the penalties to a 20 second race time penalty for all except Emily Robb (Stewards Decision 3) which was

established at 30 seconds as she admitted that this was her second circuit limits offence for the meeting. It was also established during the Committee's research that Carson Daly had also received an earlier time penalty of 20 seconds for consistently breaching circuit limits (CotC Decision PW04) and therefore received a 30 second time penalty in Race 22 for again breaching circuit limits (CotC Decision MC9). This was reduced to 20 seconds (Stewards Decision 2) by the Stewards. Mr Maclean said the Stewards were not aware of the earlier decision from the CotC and that had they been aware the Stewards would have treated this the same as the Robb decision (Stewards Decision 3).

It was also noted during the Hearing that there were other competitors penalised incorrectly but did not protest the CotC decision.

It was brought to the Committee's attention from information provided by Mr Clunie that a draft version of the Supplementary Regulations Part Two included the listing of Judges of Fact - Track Limits but a final version (assumed to be the published version) omitted these Judges of Fact. Had these Judges of Fact been included in the published version of the Supplementary Regulations Part Two, some of the issues addressed in this Hearing could have been avoided.

FINDINGS

The Committee finds that:

1. The Judges of Fact for circuit limits were appointed in accordance with the requirements of the NSC, being by way of Official Bulletin issued as required under Article 18.(1)(c) of the NSC and was communicated appropriately by being affixed to the official notice board in the documentation office as required under Article 2 of the NSC.
2. The Judges of Fact for circuit limits were used appropriately, including using the tools available to them at the circuit such as specific cameras placed around the circuit for the purpose of ruling on circuit limits breaches.
3. The circuit limits enforcement process applied during Race 22 was not fully carried out in accordance with the NSC and applicable regulations because the notification of time penalties were not notified to the whole field by the display, at the start line, of the black and white rectangular flag split diagonally and displayed with the competitors' competition number with the words "Time Penalty" as required under Article 13.11(1)(a), Schedule Z, Appendix Four of the NSC. Instead, competitors were notified by race radio, which was not received by competitors.
4. However, Article 13.11(1)(c), Schedule Z, Appendix Four of the NSC provides that failure to give the notification as required does not expunge any such time penalty that the CotC might decide to issue.
5. Competitors were not afforded natural justice prior to penalties being issued because the requirement to hold a hearing prior to any penalty (except a time penalty) being imposed was not observed (Article 93.(1) of the NSC). However, for the avoidance of doubt, this requirement applies only to the penalties of fines and licence endorsements, and not to time penalties issued by the CotC in Decisions MC7, MC8, MC9, MC10, MC11, MC12, MC13 & MC14.
6. The fact that these decisions had been pre-prepared prior to any hearing did not in itself constitute an issue of pre-determination as this is a common practice when time permits to have a decision prepared should the official determine that outcome is appropriate, however in this situation it is also acknowledged had the penalties issued been correct (i.e. a time penalty only), then a hearing would not have been necessary.
7. The time penalties issued during Race 22 for circuit limit breaches, while not necessarily consistent with established precedent for first offences based on other events, were issued in accordance with the provisions of Article A 4Z.10, Schedule P, Appendix One of the NSC, were reviewed by the Stewards when protested and reduced to a level the Committee supports, and finds proportionate (except for Stewards Decision 2) to the breaches given that competitors had been briefed on circuit limits in written and verbal drivers briefings, competitors in the class had

earlier received penalties, and that the class had been brought before the CotC prior to Race 22 to address driving standards, specifically around circuit limits. The Committee further notes that the amended penalties of 20 seconds added to the race time issued by the Stewards were consistent with the penalties handed down by the CotC for earlier breaches of circuit limits by E46 competitors.

8. The use of a FCY is not prescribed within the NSC or any of its appendices, and therefore the deployment of a FCY during the final laps of Race 22 was not authorised, correctly applied or implemented in accordance with the applicable regulations.
9. Competitors were held for an unreasonably long period of time following the conclusion of Race 22 (their final race of the event) at approximately 14:05 hrs with some competitors not receiving the CotC decision until after 17:30 hrs. This time could have been reduced significantly had the decisions been issued to competitors (assuming they had been issued correctly as a time penalty only) through the CROs once the decisions had been completed by the CotC.
10. These decisions were timed at between 15:29 hrs and 15:40 hrs, nearly two hours prior to being issued by the CotC, which meant that competitors were outside the time limit for protests.
11. Given the findings above, the conduct of the CotC was found to be significantly short of the standards required, especially for a Gold Clerk of the Course, in carrying out their duties in accordance with the requirements of the NSC.

Notwithstanding the findings above, the Committee observed that this meeting was particularly problematic for officials due to the sheer number of decisions for circuit limits breaches and other incidents over the event. Given that half of the total decisions across the event were issued to BMW Race Driver Series competitors, this club and particularly the E46 class must take some responsibility for contributing to the difficulties encountered by the officials of the event and need to undertake corrective action to improve the driving standards of its competitors.

DECISION

The Judicial Committee, following consideration of the information provided, unanimously determine:

1. CotC Decision MC7 issued to Dom Pietersen (Competitor No 126) is amended to 20 seconds added to the race time (Article A 4Z.10, Schedule P, Appendix One of the NSC).
2. CotC Decision MC10 issued to Zane Hills (Competitor No 197) is amended to 20 seconds added to the race time (Article A 4Z.10, Schedule P, Appendix One of the NSC).
3. The Stewards Decisions 1, 3, 4, 5 & 6 are upheld.
4. The Stewards Decision 2 issued to Carson Daly (Competitor No 977) is amended to 30 seconds added to the race time (Article A 4Z.10, Schedule P, Appendix One of the NSC).
5. The results for Race 22 are to be amended accordingly.
6. The Clerk of the Course licence for Malcolm Clunie is downgraded from Gold to Silver.
7. An observer is to be appointed by the Chief Clerk of the Course to all race events officiated at by Mr Clunie as Clerk of the Course until the observer is satisfied that the decision making, timekeeping, process and general adherence to the requirements of the NSC by Mr Clunie are being met, with such costs to be covered by MSNZ.

Given the number and seriousness of the incidences of non-adherence to the NSC and appendices, consideration was given to suspending the Clerk of the Course licence for Malcolm Clunie however it was agreed by the Committee that this would not be productive in assisting Mr Clunie to amend his practices and that an approach of observance would be more appropriate.

RECOMMENDATIONS

1. The use of race radio at events be reviewed by the Race Advisory Commission to ensure that it is being used for the purpose for which it was intended and is not being used as a replacement for procedures prescribed in the NSC and appendices with appropriate instruction and training to be provided to all officials involved in the use of race radio.
2. The Committee recommends that classes wishing to use race radio be required to provide their own operator with the circuit and/or organiser retaining responsibility for ensuring the unit is operating correctly.
3. Clerks of the Course be reminded of their obligations to observe and adhere to the requirements of the NSC and appendices, particularly around the timing of decisions which are required to be timed when physically or electronically issued to competitors, not when the decision form has been completed.
4. Clerks of the Course and event organisers be reminded that Clerks of the Course are responsible for, and therefore need to have the final sign off on, the Regulations governing an event (Article 79.(2) of the NSC).
5. Stewards be reminded of their obligations to check decisions and particularly the timing of decisions when considering the eligibility of protests.
6. The installation of a “Megaviz” display screen at Taupo, as installed at other circuits would be appropriate to better facilitate such notices to competitors and for consistency of delivery across all circuits, especially since circuit limits breaches appear to be more of an issue at this circuit than others.
7. An independent driving standards observer be appointed to the E46 class, at its cost, to assist in improving and the enforcement of driving standards from the class.

DATED this 9th day of June 2026 at 09:00 hrs.



Wayne Christie
Chairman

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.