



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

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

- Mr Wayne Scott (Chairman)
- Mr Barry Higham
- Mr Jeff Scott (in substitution of Mr Wade Paterson).

The parties concerned or interested:

Mr Blair Thorpe (Licence No. 106128Y)  
Mr Gary Love (Licence No. 130015X)  
Miss Anna Collins (Licence No. 150961X) – attended via video link.

Representing MotorSport New Zealand:

Mr Terry Carkeek

**MOTORSPORT NEW ZEALAND (INC)** under the powers set out in Articles 118 to 122 of the National Sporting Code, specifically Article 118 (2) and Article 122 (2) (a) (ii), considered the issues brought to its attention and convened a hearing before a Judicial Committee appointed by the Board. The hearing was held on Wednesday 9 June 2021 commencing at 7.00pm at Mike Pero Motorsport Park Christchurch.

### **BACKGROUND**

During the start of Race 6 at the Formula Ford Festival held at Mike Pero Motorsport Park on 01 May 2021 there was an accident involving Car 47 and Car 79. One of the drivers was hospitalised as a result of the accident so the Clerk of the Course was unable to complete his investigation at the event. The race was red flagged due to the accident, and was abandoned.

The Clerk of the Course Closing Report referred the matter to MotorSport New Zealand to investigate, advising that the matter could not be completed at the event.

Under the provisions of NSC Part X Article 121, statements, evidence and video footage were referred to an Inquiry Review Panel, who reviewed all evidence submitted. The Inquiry Review Panel considered the evidence and determined that a Judicial Committee hearing be convened to hear the matter. The Inquiry Review Panel was unanimous in its decision.

### **PURPOSE OF THE HEARING**

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

- To hear and view evidence from the Parties called and any witnesses around the circumstances that lead to the contact between Car 47 and Car 79, and

- Consider whether there was a breach of Appendix Four Schedule Z Article 12.1 that contributed to the contact between Car 47 and Car 79 and the subsequent accident, and
- Apply any penalty that might be appropriate, given the circumstances and evidence submitted

## **HEARING PROCEDURE**

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 122(3). The Judicial Committee, and the named parties, were provided with:

1. Clerk of the Course Closing Report
2. Statement – Gary Love – Car 47
3. Statement – Anna Collins – Car 79
4. Circuit trackside video – full speed
5. Circuit trackside video – half speed.

## **THE HEARING**

The Chairman confirmed the notice given to the parties that due to weather related travel issues, Mr Wade Paterson was unable to attend, and that MotorSport New Zealand had appointed Mr Jeff Scott in his place as a Judicial Committee member.

The Chairman noted the purpose of the hearing, and advised the parties of the hearing procedure.

Further the Chairman advised the parties that if it was felt by any party that the inquiry was becoming of a disciplinary nature, or a matter where a sanction may apply, they had the right to seek, prior to the Committee's adjournment to consider the matter, the opportunity to be heard as to what may be an appropriate sanction or penalty.

Mr Carkeek introduced the background to the Judicial Committee hearing, and the Clerk of the Course of the meeting, Mr Blair Thorpe presented his report, and responded to questions raised. He stated that he had observed from race control a red car rolling before the start, and that he had followed that car as he considered it a false start. The car was that of Gary Love. He noted that following the accident, medical personnel were dispatched to the Anna Collins car, and that the race was red flagged and abandoned. As Anna Collins was not available to interview, and as the video evidence was not at that point available, he was unable to have a hearing and therefore referred the matter to MotorSport NZ. He commented that the car of Anna Collins was inspected and did not show signs of any damage, and that due to other pressures an accident report had not been completed, but the medical report had been.

Anna Collins spoke to her statement, commenting that she had full recollection of the incident, was fully aware of the cars around her, and that she was side by side with Gary Love, who had pulled across without looking and contact occurred. She considered that it was a very avoidable accident.

Gary Love, in speaking to his statement, said that the video which was to be viewed was important. He commented that had he seen the video before he made his statement, the statement would have been different. It was his view that Anna had moved over on him. He commented that his focus when racing is what is ahead of him, not beside him.

The videos of the incident were played several times, with all parties having the opportunity to examine and make comment on them.

Following the hearing of the evidence the Committee adjourned for its deliberations.

The Chairman advised that an oral decision would be delivered that evening, and that the written decision of the Judicial Committee would be sent out within a few days.

## **FINDINGS**

The Judicial Committee, taking account of all the evidence put before it, finds that:

1. Mr Gary Love did cause an avoidable accident.
2. This is a breach of NSC Appendix Four Schedule Z Article 12.1 Code of Driving Conduct.
3. The nature of the breach was such that it is considered Careless Driving.

## **DECISION**

The Judicial Committee decides that:

1. Penalty Schedule P A 4Z.6 is to be applied to Gary Love (Licence No 130015X), varied in accordance with the authority given under NSC Part X Article 122(4)(d)(i)
  - Fine \$500
  - Endorsement of competition licence for twelve months
2. That Gary Love pay costs of \$500

The decision was delivered orally on June 9<sup>th</sup> 2021 at 7.50pm at Mike Pero Motorsport Park, Christchurch.

The parties were advised that a written decision would be forwarded within a few days.

The parties are advised of the rights of Appeal contained in Part XI of the National Sporting Code.

**DATED** this 10th day of June 2021



Wayne Scott  
Chairman  
For and on behalf of the Judicial Committee.