

MOTORSPORT NEW ZEALAND (INC)

DECISION OF THE JUDICIAL COMMITTEE APOINTED BY MOTORSPORT NEW ZEALAND

JUDICIAL COMMITTEE:

- Mr Shayne Harris (Chairman)
- Mr Graeme Robertson
- Mr Kelvin Booth

PARTY CONCERNED

- Mr Hunter Robb, Competitor No 69, Represented by Bruce Robb


OTHER PARTIES (Parties requesting the Judicial Hearing)

- Jackson Rooney, Competitor No 30, Represented by Neil Garner
- Willian Exton, Competitor No 42, Represented by Garath Exton

MOTORSPORT NEW ZEALAND REPRESENTATIVES

- Mrs Raewyn Burke
- Mr Justin Scelly

1. The Judicial Committee was appointed by Motorsport New Zealand pursuant to Article 118 of the Motorsport New Zealand National Sporting Code (NSC), this is outlined in the Notice of Hearing dated 7 March 2024.
2. The Judicial Committee was tasked with:

If the decisions imposed of Hunter Robb Car 69 TR86 were correct or otherwise from Race 1 of Round 5 of the Toyota 86 Championship at Highlands Motorsport Park. 
3. The Hearing was conducted at Distinction Coachman Hotel, Palmerston North and commence at 6.30pm. Competitor Hunter Robb was not present at the hearing and was represented by Brent Robb he also had with him Shaun Hayes. Mr Scully (MSNZ), Mr W Exton, Mr G Exton, Mr J Rooney and Mr N Garner attended via Zoom, Mrs Burke on behalf of MSNZ was also present.
4. The Chairman opened the Hearing at 6.30pm and outline the process for the hearing. The Chairman confirmed with the parties that they had received the following documents that were sent out with the Notice of Hearing.

- (1) Supplementary Regulations Part One
- (2) Supplementary Regulations Part Two
- (3) Toyota 86 Championship Articles
- (4) Toyota 86 Technical Schedule (TR 86)

- (5) Scrutineer's Report
- (6) Race Director's Decision
- (7) Official Protest Form
- (8) Stewards' Decision

- 5 All parties confirmed that they had received the documents accompanying the Notice of Hearing.
- 6 The Chairman explained that Mr Booth had replaced Mr Bennett on the committee as Mr Bennett had become unwell.
- 7 Mr Scelly spoke to his technical report that was produced as a result of a technical inspection carried out on Car #69 following Race 1.
- 8 He explained the procedure he undertook when measuring the camber of the car. The result of the measurement was that the camber measured 5.4 degrees. The maximum allowable camber is 5 degrees.
- 9 Following the technical check Mr Scelly consulted with the Driving Standards Observer to discuss if there had been any contact made with the left front wheel of Mr Robb's car which may have contributed to the non-compliance. The Driving Standards Observer observed the information available to them and ascertained in their view there was no contact that could've contributed to the wheel camber being non-compliant.
- 10 As a result of the discussion Mr Scelly completed his technical report and lodged it with the Toyota 86 Championship Race Director.
- 11 Mr Scelly is listed in the 2023 – 2024 Toyota Championship 3.1.4 as the Championship Scrutineer. One of his duties under article 3.1.4 (e) is to Undertake the duties of a Technical Judge (NSC 86 (1) (d) with respect to weights and measures.
- 12 We heard tonight from Mr Brent Robb representing Hunter Robb regarding the matters that surrounded the technical checking of the car. In essence, Mr Robb's argument was that the non-compliance was as a result of contact made with another race car. Mr Robb presented a well thought out case and his submissions were credible. This included parts from the race car, including the left-hand strut and top plates. A number of other photographs and exhibits were also presented.
- 13 Mr Robb also played two videos, one was in car footage from car 69 and the other was footage from Sky Sports of the restart of Race one and the cars entering and exiting turn 1. The in car video does show that there was contact between the two cars which resulted in left hand door damage to car 69 (photo [produced]).
- 14 A number of questions asked of Mr Robb from other participants challenged the credibility of the photographs and if the contact had actually been on the left-hand wheel of car 69.
- 15 The applicants also referred the Panel to the MotorSport New Zealand rule book and the fact that there was no allowance within the rules for anything like collision damage to be taken into consideration when considering a compliance issue.
- 16 Mr Exton did highlight to the committee his view of the legitimacy of the Stewards' Hearing, that was held at Highlands Motorsport Park. He contended that the

Stewards' Hearing was incorrect due to the technical decision being a Judge of Fact Decision.

- 17 At the end of the submissions and evidence presented to the committee from the parties the Chairman of the committee asked Mr Scelly if he saw any evidence on the wheel of damage that may have contributed to altering the camber. Mr Scelly said there was not. Mr Scelly was also asked that if there had have been damage that look like it contributed to the camber being altered what his actions might have been. His answer was that he would not have written it up.

Committee Considerations

18. The Committee having heard from all the parties in some detail are of the view that the technical officer's report is correct.
19. The Panel, when asking the technical officer if damage occurred during racing is taken into account when considering writing up a technical report is satisfied that the technical officer would not have written the car up if he considered the non-compliance was caused as a result of race damage.
20. The committee was satisfied by all the evidence presented that there was no obvious contact made with the left-hand wheel of car 69.
21. The Committee further acknowledges that there are no allowance in the MotorSport New Zealand regulations for damage to be taken into consideration when considering technical compliance.

Decision

The committee endorses the Decision of the Race Director following Race 1 at Round 5 of the Toyota 86 Championship at Highlands Motorsport Park in that:

Hunter Robb is fined \$1,000

Excluded from results of Race one

Championship Licence endorsed for 6 months ending 18 July 2024.

The Judicial Committee overturns the Stewards' Decision on the grounds that the Stewards' Decision should not have occurred as the technical report was a Judge of Fact Decision therefore an inadmissible protest under National Sporting Code Article 113 (3).

All parties are reminded of their rights of appeal.



Shayne Harris
Chairman



Graeme Robertson
Member



Kelvin Booth
Member

Dated 14 March 2024