



MOTORSPORT NEW ZEALAND (INC)

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

- Mr Wade Paterson (Chairman)
- Mr Kelvin Booth
- Mrs Janet Phipps

The Parties concerned or interested:

- Mr Angus Fogg (Licence No. 170637X)
- Mr Craig Boote (Licence No. 054714X)
- Mr Malcolm Glenn (Licence No. 051761X)

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 (a) (iii), have considered the issue brought to its attention and convened a hearing to be held before a Judicial Committee appointed by the Board. The hearing was held by Zoom on Thursday 24th June 2021 commencing at 7.00pm.

BACKGROUND

During Race 28 at the MG Classic at Manfeild on 15th November 2020 after a Safety Car restart there was an accident as the cars travelled between Turn 5 and Turn 6. The accident involved cars 7, 11 and 62, with cars 7 and 11 sustaining significant damage.

The accident was investigated, and a Hearing was held by the Clerk of the Course, which resulted in a penalty being applied to Craig Boote, driver of Car 7. Craig was medically stood down following a medical assessment and was in a dazed condition at the Hearing.

Following the event and reviewing footage Craig realised that he probably was not the cause of the accident and requested a Judicial Inquiry Review. While the competitor did not avail himself of all his options at the event, the CEO has considered the request for Judicial Review and under the provisions of NSC 121 (2) (a), in that the driver's dazed condition could have been a factor in not Protesting the Clerk of the Course decision.

MOTORSPORT NEW ZEALAND INVESTIGATION

MotorSport New Zealand has carried out an investigation including gathering statements and refining video footage of the accident. Statements included a statement of retraction of penalty from the Clerk of the Course.

PURPOSE OF HEARING

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

- The enhanced video footage of the accident, not available to the event officials, casts sufficient doubt around the cause of the accident that it would be unfair to attribute cause for the accident to any one party
- Having viewed enhanced video footage of the incident, the Clerk of the Course now believes there is no clear first point of contact, and has requested that his decision be retracted

Under the provisions of NSC Part X 122 (2) (a) (iii) a Judicial Committee Hearing is convened to consider the recommendations of the Judicial Inquiry Review Panel.

HEARING PROCEDURE

The Hearing was conducted by Zoom on Thursday 24th June 2021 in accordance with National Sporting Code (NSC) Article 122(3).

The Judicial Committee were provided with:

1. Request for inquiry
2. Clerk of the Course Decision #9
3. Medical Assessment – Craig Boote
4. Clerk of the Course Request for Retraction
5. Video Footage Car 7
6. Video Footage Car 11

THE HEARING

The Chairman noted the purpose of the hearing and advise the parties of the hearing procedure.

Further the Chairman advised that they were tasked with accepting or rejecting the request by the Clerk of the Course Malcolm Glen for a rescinding of Decision #9 only.

Mr Carkeek introduced the background to the Judicial Committee hearing and then Malcolm Glen was invited to speak in regard to his request for Decision # 9 to be rescinded.

Mr Glen explained his actions following the incident involving Cars #7, #11 and # 62. He held a hearing, listened to all parties and concluded that Mr C Boote the driver of Car #11 was at fault and penalised him as recorded in Decision #9.

Subsequent to this Mr Glen has had made available to him further video footage of the incident which has led him to believe that there was no obvious first point of contact and he now felt that the incident should have been deemed a racing incident.

The Chairman asked if Mr Glen had taken into account that as Mr C Boote had been involved in a significant high-speed accident that he would be in a fit and proper state to attend a hearing. Mr Glen replied that he had not, that he thought that Mr C Boote seem 'OK' at the hearing. He did admit that

this was a mistake on his behalf and that he should have made an inquiry as to Mr C Boote's medical state.

The video from Car #11 was played first, followed by video from Car #7 which included both forward and rear facing views. Both videos were played at slow speed and then a further video of the incident was played at normal speed to reflect what Mr Glen had seen.

Mr Angus Fogg the driver of Car #11 gave his version of the incident which he explained happened during a reverse grid race.

Mr Glen then summed up his application for the rescinding of Decision #9 and the Committee adjourned for its deliberations.

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

FINDINGS

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

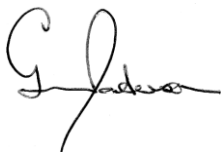
1. The additional video footage which was not available at the time of the Clerk of the Course hearing shows that the incident was no more than a racing incident.
2. Mr Glen by his own admission stated that he should have inquired more thoroughly into Mr C Boote's medical state rather than rely on his own observation that he looked 'OK' before commencing the Clerk of the Course hearing.
3. The Judicial Committee are of the view that any officials holding a hearing that could result in a penalty being applied should ensure that any party involved in that hearing who have been involved in an accident requiring medical assessment should be assessed as to whether they are able to attend from a medical perspective.

DECISION

The Judicial Committee decides that:

1. The Clerk of the Course Decision #9 is rescinded.
2. All penalties imposed on Mr C Boote are revoked.

DATED this 27th day of June 2021



Wade Paterson

Chairman

For and on Behalf of the Judicial Committee.