

MOTORSPORT NEW ZEALAND (INC)

DECISION OF THE JUDICIAL COMMITTEE APPOINTED BY THE BOARD, NAMELY:

- Mr Wayne Scott (Chairman)
- Mr Barry Higham
- Mrs Janet Phipps

The parties concerned or interested;

- Mr David Dovey – North Island Endurance Race Drivers Club President
- Mr Ricky Grey – Mach 1 Engineering - Team Manager/Entrant
- Mr Nic Williamson – International Motorsport – Team Manager/Entrant
- Mr Shane Helms – Driver/Entrant – Car 51

Representing MotorSport NZ:

- Mr Elton Goonan

In attendance:

- Mr Ray West -International Motorsport

MOTORSPORT NEW ZEALAND (INC) under the powers set out in Articles 118 to 122 of the National Sporting Code, considered the issues brought to its attention and convened a hearing before a Judicial Committee appointed by the Board.

The Hearing was held on Friday 22 July 2022 at the Novotel Auckland Airport, Ray Emery Drive Auckland, commencing at 1.00pm.

BACKGROUND:

At the final Round of the North Island Endurance Racing Drivers Club Three Hour Series, an entry (Car 51), not in compliance with the approved Accredited Series Articles due to there being two Elite drivers in the car, was permitted to compete. Other competitors in the race agreed that the car could take part in the race, subject to conditions of no points and start from Pit Lane, and this was included in a Bulletin authorised by the Stewards.

MotorSport New Zealand received a request from the Entrant of Car 96 (Mach 1 Engineering) as to the correctness of final classification of the 2022 North Island Endurance Series 3-hour Race after Round 3.

The Entrant of Car 96 contended that:

- the basis of inclusion of Car 51 in the results of the race was not in accordance with undertakings given
- the inclusion of Car 51 was not in accordance with the regulations
- at the conclusion of the race , when Cars 10 and 96 were tied on points, the NIERDC declared Car 10 the Series winner

- in the view of the Entrant of Car 96, this was incorrect, and the result was queried
- the Series personnel reviewed the matter, and declared Car 96 the Series winner
- this was supported by the points table posted on the NIERDC website
- it also reflected the original intent that the inclusion of Car 51 would not affect the results
- on 19 June the Entrant of Car 96 was advised by Mr Dovey that the driver of Car 10 wished to dispute the result
- on 23 June, the Entrant of Car 96 received a phone call and email stating a change of results due to a review of points awarded, and that Car 10 had won the Series.

INQUIRY REVIEW PANEL CONSIDERATION:

Under NSC Part X – Article 121, an Inquiry Review Panel was appointed to consider whether the Request for Review received meets the criteria for an Inquiry of Judicial Hearing.

The Inquiry Review Panel considered the statements and emails received from the Entrant of Car 96 (Mr Grey), the NIERDC President (Mr Dovey); the Series Articles, emails from the Series Co-ordinator (Mr Lathrope), and the published results and points schedules.

Following full consideration of the documentation, the Inquiry Review Panel determined that the information considered met the criteria under NSC Article 121(4) for a Judicial Committee to be convened to hear the matter.

GROUNDINGS OF HEARING:

Grounds for the Hearing identified included NSC Part X 122 (3) (a) (i), (ii), (iv), (v).

PURPOSE OF HEARING:

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

- to consider the circumstances around the permission for Car 51 to compete in the Event.
- to examine the process utilised in applying Series points in relation to the Race.
- to examine the actions taken in the amendments to the points and results.
- to consider the correctness of the declared results.
- to consider whether there was any breach of the National Sporting Code or the Accredited series Articles.
- to apply any penalty that may be appropriate, given the circumstances and evidence submitted.
- to consider any other matter the Committee may in their discretion decide relevant.

SUPPORTING DOCUMENTATION:

1. Statement from the MSNZ Stewards
2. Statement from the CotC
3. Statement from Keith Williams – CRO
4. Statement from Gary Lathrope - SWE
5. R3 Enduro Entry - 3 hour
6. NIESR3-Approval to Run
7. Email from Ricky Grey requesting an Inquiry
8. Email from David Dovey requesting MSNZ make a decision on behalf of NIERDC including MSNZ s response
9. Competitor Sign-on sheet
10. Bulletin issued by the CotC
11. Results:
 1. 3hr – Race 3 – 3 hour Race overall
 2. NIERDC 2022 Published Results
12. 2022 Golden Homes NIES Article 3 Hour
13. MotorSport New Zealand Investigation Detail – NIERDC01-06.2022
14. MotorSport New Zealand Investigation Decision

THE HEARING:

- The Hearing was held in accordance with National Sporting Code (NSC) Article 122.
- The Chairman Mr Wayne Scott participated in the Hearing via video link.
- Due to the unavailability of Mr Dovey, the NIERDC was represented by Mr Mark Petch via video link.
- Mr Shane Helms was not present at the Hearing.
- All parties present gave statements and responded to questions on their submissions.
- The Judicial Committee further considered all supporting documents and statements provided to it.

FINDINGS:

The Judicial Committee, having considered all the evidence and documents presented, reached the following findings:

1. That Car 51 competed in Race 3 of the 2022 Golden Homes North Island 3 Hour Endurance Series held at Hampton Downs Motorsport Park on 17-18 June 2022 when not in conformity with Article 3.1.4 of the Accredited series Articles Governing The 2022 Golden Homes North Island 3 Hour Endurance Series, in that two(2) Elite Level Drivers undertook the driving duties, whereas only one Elite Driver is permitted per Driving Team.
2. That while Car 51 was not allocated Series points for that Race, it was still included in the final version of the results, which denied points to eligible competitors, and affected the Series points.

3. That the signed agreement of other competitors to allow a second Elite Driver to compete in Car 51 subject to conditions, was of no regulatory effect.
4. That Bulletin No 1 issued on 18 June 2022 by the Stewards authorising an additional Elite Driver to the Car 51 Driving Team, did not have regulatory effect, as Accredited Series Articles cannot be amended in this manner. A Bulletin is essentially an amendment or addition to the Supplementary Regulations, however the Elite driver Article 3.1.4 is contained in the Accredited Series Articles. In the opinion of the Judicial Committee, in the absence of "exceptional circumstances" or Force Majeure, the Stewards on their own volition are not able to amend the Accredited Series Articles.
5. Car 51 was an ineligible participant in Race 3 of the Series.
6. The Clerk of the Course, under Article 79(5)(l) of the National Sporting Code has a duty to "prevent any ineligible Driver or vehicle from taking part in the Meeting or Event".
7. The Stewards of the Meeting under Article 77(6) of the National Sporting Code have the authority to "Prohibit from taking part in any Sanctioned (Accredited) Series, Meeting or Event by any Competitor or competing vehicle who or which they consider to be ineligible to take part in such Series, Meeting or Event"
8. That the announcement of the Series winner on the podium, and the subsequent changes both on the day and subsequent, were confusing, lacking process and did not reflect positively on the actions of the North Island Endurance Racing Drivers Club officials.
9. There appears to be some confusion as to the interpretation of Tie-break Article 20.4 (a). To assist, should the revision of the points schedule end up with tied points, it is the view of the Judicial Committee that the interpretation of NIERDC Article 20.4(a) is such that should the assessment of first places not break the tie, then consideration of second places be undertaken, and then third places and so on. This gives effect to the provision of the clause "and progressing down the finishing positions in all rounds counting for the Series". If an equal result is still obtained following that exercise, then move on to (b).

DECISION:

Taking account of all the factors before it, the Judicial Committee decides that:

1. Car 51 is excluded from the results of Race 3 of the 2022 Golden Homes North Island 3 Hour Endurance Series held at Hampton Downs Motorsport Park on 17-18 June 2022.

2. The North Island Endurance Racing Drivers Club (NIERDC) be instructed to revise and reissue the points structure and Series results taking account of the exclusion of Car 51.
3. Should a points tie result the overall award, or for any class in the Series, then that tie should be resolved in accordance with Article 20.4.
4. That NIERDC be reprimanded for its handling of the Series results determination.
5. The Clerk of the Course be reminded of his duty under NSC Article 79(5)(I) ... to prevent any ineligible Driver or vehicle from taking part in the Meeting or Event.
6. The Stewards be reminded their authority does not extend to the amendment of Accredited Series Articles unless under exceptional circumstances or Force Majeure situations, and that they have the authority under NSC Article 77(6) to prevent any ineligible Competitor or competing vehicle taking part.
7. Costs of \$500 towards the costs of the Hearing be awarded against NIERDC
8. All other costs shall lie where they fall.

The Judicial Committee was unanimous in its decision.

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

DATED this 23rd day of July 2022



Wayne Scott
Chairman
For and on behalf of the Judicial Committee