



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

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

- Mr Graeme Robertson (Chair)
- Mr Kelvin Booth
- Mr Raymond Bennett

The parties concerned or interested;

Mr Charlie Bound-Walsh (Competition Licence 180282X )  
Mr Martyn Davies (Competition Licence 161509X )  
Mr Shay Burkhart (Officials Licence N/A )  
Mr Garnett Henderson (Officials Licence 062505Y )  
Representing MotorSport NZ: Mr Terry Carkeek

Mr Davies did not attend. No advice was received.

**MOTORSPORT NEW ZEALAND (INC)** under the powers set out in Articles 118 to 123 of the National Sporting Code, considered the issues brought to its attention and approved a hearing to be held before the Judicial Committee appointed by the Board.

The hearing was held on 25 August 2018 in Manawatu Car Club Clubrooms, Manfeild Park, 120 Kawakawa Road, Fielding. A Notice was promulgated to the parties concerned or interested on 2 August 2018.

### **PURPOSE OF HEARING**

The Clerk of the Course Report and an Accident Report submitted following a drifting event held at Centennial Drive, New Plymouth on 10 March 2018 highlighted an incident that occurred during the event where two competing cars were able to access the course at the same time travelling in opposite directions.

Under NSC Part X, MotorSport New Zealand has inquired into the matter and an Inquiry Review Panel has determined that as a result, a Judicial Committee Hearing be convened to consider the matter which is the subject of this complaint.

This Inquiry is convened to:

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|---------|--|
| ISSUE 1 | To establish the circumstances that lead to two competition cars competing in a 'Single Drift' event in opposite directions on a 'return loop' course. An incident resulted when one of the cars took evasive action and collided with the barriers. |
| ISSUE 2 | To consider statements and evidence from the concerned competitors and officials and establish if correct and appropriate procedures and briefings were in place for the running of the event  |
| ISSUE 3 | To identify any areas of the event planning and organising that may not have been up to standard and to recommend any corrective actions that may be necessary.  |
| ISSUE 4 | To establish if there has been any breach of the NSC or event briefings by any competitor or official and consider if any penalty should be applied.   |

### **HEARING PROCEDURE**

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 123.

Mr Carkeek outlined the details and reasons for the hearing.

The Judicial Committee had been provided with a copy of reports from Clerk of the Course, Accident Report, both drivers (Bound-Walsh & Davies), startline marshal and event organiser. A copy of the event regulations was also supplied.

Statements were heard from Garnett Henderson (CotC), Charlie Bound-Walsh, and Shay Burkhart.

Questions to clarify points of evidence presented were asked by the Judicial Committee, Terry Carkeek Garnett Henderson (CotC), Charlie Bound-Walsh, and Shay Burkhart..

Due to Mr Davies nonattendance it was difficult to quantify some of the alleged short comings with event procedures.

## Finding

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

*ISSUE 1 To establish the circumstances that lead to two competition cars competing in a 'Single Drift' event in opposite directions on a 'return loop' course. An incident resulted when one of the cars took evasive action and collided with the barriers.*

- Cars were to run in numerical order
- Bound-Walsh asked and was given permission to make his last run out of order.
- Checks were in place to confirm safety harness, helmets passenger indemnity 'stamp' and course clear before a run commenced.
- There was confusion between Starter and Bound-Walsh to give clearance start his run.
- Bound-Walsh left the start line without receiving clearance in the same manner he had for previous runs

*ISSUE 2 To consider statements and evidence from the concerned competitors and officials and establish if correct and appropriate procedures and briefings were in place for the running of the event*

- See points above
- Full verbal drivers briefing was done in the morning, roll call taken. There was no dispute from both Bound-Walsh, and Burkhart regarding the starting procedure.
- The action from Burkhart was mis-interpreted by Bound-Walsh to give start approval.

*ISSUE 3 To identify any areas of the event planning and organising that may not have been up to standard and to recommend any corrective actions that may be necessary.*

- Davies statement contains a number of areas of the event running that do require attention.  
Eg
  - Lack of fire extinguishers at start/finish area
  - Movement of photographers along edge of track during competition
  - Marshal points were obscured by spectators.
- The ability for a driver to leave the start line without clearance - later in the day a cone was placed at this point to prevent any re-occurrence.

*ISSUE 4 To establish if there has been any breach of the NSC or event briefings by any competitor or official and consider if any penalty should be applied.*

- Bound-Walsh left the start line without received clearance as provided for at Drivers Briefing

## Summary of findings

Taking account of all the findings the Judicial Committee concludes that:

*ISSUE 1 To establish the circumstances that lead to two competition cars competing in a 'Single Drift' event in opposite directions on a 'return loop' course. An incident resulted when one of the cars took evasive action and collided with the barriers.*

- There was a confusion regarding the signalling for Bound-Walsh to commence his run

*ISSUE 2 To consider statements and evidence from the concerned competitors and officials and establish if correct and appropriate procedures and briefings were in place for the running of the event*

- Appropriate briefings were held.
- A verbal briefing using MSNZ template was done however it is strongly recommended that a written briefing be used as well.
- Start procedures and set up need to be improved. Use of a cone at start line is required to stop any confusion regarding circuit clearance.

*ISSUE 3 To identify any areas of the event planning and organising that may not have been up to standard and to recommend any corrective actions that may be necessary.*

- See points listed above in Findings
- Better and more visual placement of marshals required.
- Photographer movement must be managed
- There would appear that the approach to both competitor procedures and spectator safety requires to be considerably improved.

*ISSUE 4 To establish if there has been any breach of the NSC or event briefings by any competitor or official and consider if any penalty should be applied.*

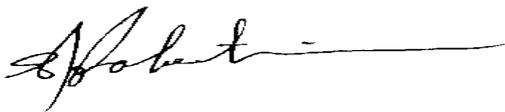
- Bound-Walsh left the start line without received clearance as explained at Drivers Briefing and had been used for all previous runs.
- This breach however is mitigated in some way given the mis-understanding between driver and starter.

## **Decision**

Taking account of all the factors put before it the **JUDICIAL COMMITTEE DECISION** is that:

1. Charlie Bound-Walsh competition licence is endorsed for a period of six months - ending on 25 February 2019
2. Garnett Henderson officials licence is endorsed for a period of six months - ending on 25 February 2019
3. A Steward is to be appointed for all events held by Taranaki Car Club with specific attention to be paid to event procedures and safety. This requirement is to remain in place until Area 3 Steward is satisfied that an acceptable standard is being achieved.
4. A Clerk of the Course for all drifting and street sprint events will be appointed by MSNZ. This requirement is to be in place for 12months.
5. Costs shall lie where they fall.

The Judicial Committee was unanimous in making its decision.



**Graeme Robertson**  
**Chairman**  
**For and on behalf of the Judicial Committee**

**DATED: 25<sup>th</sup> August 2018**

The decision was announced to competitors at 1330hrs, 25<sup>th</sup> August 2018 and they were reminded of their rights of appeal.