



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

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

- Mr Dale Crossley (Chairman)
- Mrs Janet Phipps
- Mr Barry Higham

The parties concerned or interested;

Mr Callum Hedge. (Licence No. 160603X)  
Mr Craig Finlayson. (Licence No. 030088Y)  
Mr Shayne Harris. (Licence No. 934916Y)

Representing MotorSport NZ:

Mr Brian Budd  
Mr Elton Goonan

**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 that was held before the Judicial Committee appointed by the Board on Saturday May 11 2019 at 2-30pm in Motorsport House, 69 Hutt Road, Thorndon, Wellington.

### **BACKGROUND**

During Round Four of the Toyota 86 Championship held at Teretonga on 18<sup>th</sup> to 20<sup>th</sup> January 2019, Car 17 was reported to have conducted private testing at the circuit outside permitted testing times. A Hearing was held by the Race Director on Saturday 19<sup>th</sup> January and his decision was that Car 17 had conducted testing outside permitted testing times. No penalty was applied by the Race Director. The Stewards Report submitted after the event raised concerns around the Race Directors decision and recommended that Motorsport New Zealand investigate this matter further.

### **REVIEW PANEL CONSIDERATION**

Under NSC Part X, Motorsport New Zealand has inquired into the matter and a Review Panel has determined that as a result, a Judicial Committee Hearing be convened to consider the matter.

### **PURPOSE OF HEARING**

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

Car 17 is confirmed to have undertaken testing outside permitted testing times during Round Four of the Toyota 86 Championship, as determined by the Race Director, refer Decision TR86 1. No penalty was applied as a result of this breach of the regulations. Having determined that a breach of Schedule CH 18.1.1 had occurred it is proposed that a penalty of some form should have been applied by the Race Director.

## **HEARING PROCEDURE**

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 122.

All parties concerned were in attendance.

The Judicial Committee had been provided with:

- (1) Race Director Decision Form TR86 1
- (2) Stewards Report from Teretonga Speedworks Round 18<sup>th</sup> to 20<sup>th</sup> Jan 2019
- (3) Statement – Noel Atley
- (4) Submission filed on behalf of Callum Hedge
- (5) Email from Andrew Davis of Toyota NZ
- (6) Statement from Geoff Short Category Manager
- (7) Statement from Adam Thomlinson Electronics expert for Toyota

Mr Budd outlined the details of the request and reasons for approving the hearing.

Callum Hedge did not wish to make a statement and was happy with submission provided on his behalf.

Statements were heard from Shayne Harris and Craig Finlayson.

Questions to clarify points of evidence presented were asked by the Judicial Committee and Mr Budd.

## **FINDINGS**

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

1. NSC Article 36 (14) specifically mentions competitor's responsibility for acts or omissions by other parties, in particular service providers.
2. Toyota and CareVets personnel were service providers to Car 17 on the Friday.
3. Car 17 did go out on the track (twice) after track had closed for the evening which was outside the practice/testing times available.
4. Schedule CH Article 18.1.1 states that no other on-track testing opportunities will be available once the meeting commences on Friday.
5. Schedule CH penalty CH.40.32 refers to the penalty for Breach of Category Testing Articles.
6. The Race Director held a Hearing into the alleged breach of Schedule CH and decided that no penalty could be applied.

## **DECISION**

The Judicial Committee decides that:

1. Car 17 did undertake illegal testing outside the available session times as per Schedule CH 18.1.1. Although Callum Hedge and the immediate team were

unaware the vehicle would go out onto the track, the service providers trying to fix the vehicle problem did take the vehicle onto the track.

2. NSC 36 (14) outlines the responsibilities of the competitor, therefore a penalty under CH.40.32 must be applied.
3. The following penalty under CH.40.32 is imposed on Callum Hedge:
  - A fine of \$600
  - Competition Licence is endorsed until 30 June 2019
  - As the Toyota 86 season is completed the standard penalty of starting off the rear of the grid for the next race is no longer applicable and cannot be applied.
4. Costs shall lie where they fall.

**DATED** this 11<sup>th</sup> day of May 2019  
MotorSport New Zealand (Inc); by



Dale Crossley  
Chairman of the Judicial Committee