



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 Ben Terry (Licence No. 190053X)
Ms Teresa Good (Licence No. 996319Y)
Mr Jeff Scott (Licence No. 936572Y)

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 2-00pm in Motorsport House, 69 Hutt Road, Thorndon, Wellington.

BACKGROUND

During the 2018-2019 Hillclimb Championship Final at the RATEC Little River Sealed Hillclimb held on Saturday 9 February 2019, Mr Terry was a competitor in the Sealed Hillclimb Challenge. His vehicle suffered a transmission failure in the recognisance run. The vehicle fault was unable to be repaired on the day. Another competitor offered Mr Terry his vehicle which had been entered in the event in the same class. Mr Terry approached the Clerk of the Course for approval to change the vehicle. The Clerk of the Course and the Chairman of Stewards approved the change of vehicle. Mr Terry competed in the borrowed vehicle. After the completion of the event Mr Terry was handed a Decision Form from the Clerk of the Course removing the Championship points that he had accrued from his timed runs on the day. No Hearing was held prior to the penalty being imposed.

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 Committee Hearing pursuant to the provisions of Part X, Articles 118 to 122 of the National Sporting Code and to consider the following;

- The competitor was given approval to change vehicles by approved officials at the event.
- The replacement vehicle that the competitor used met the requirements of NSC 37 (2).
- The competitor had his accrued Championship Points for the Sealed Hillclimb Challenge removed post event by the Clerk of the Course Decision 2.
- A Hearing was not held prior to the penalty being imposed which would appear to be a breach of NSC 93 (1).
- The Officials at the event admit that they made some wrong decisions as well as not holding a Hearing.

HEARING PROCEDURE

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

Mr Brian Budd and Mr Elton Goonan representing Motorsport New Zealand were in attendance.

Mr Ben Terry, Ms Teresa Good and Mr Jeff Scott chose not to be present at the Hearing.

The Judicial Committee had been provided with:

- (1) Clerk of the Course Closing Report
- (2) Steward's Report for the event
- (3) Clerk of the Course Decision Form 2
- (4) Statement from Mr Terry (competitor)
- (5) Statement from Ms Teresa Good (Clerk of the Course)
- (6) Statement from Mr Scott (Hillclimb Championship Co-ordinator)

Mr Budd outlined the details and reasons for the Hearing.

Mr Budd stated that given the Clerk of the Course authorised Mr Terry to change vehicles prior to the first practice run then there was an expectation that he was entitled to compete and that he should retain the Championship Points that he accrued in the Sealed Hillclimb Challenge.

Mr Budd confirmed that a Hearing was not held prior to the penalty being imposed.

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

FINDINGS

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

- (1) The Clerk of the Course allowed Mr Terry to change vehicles prior to the start of official practice in the Sealed Hillclimb Challenge at Little River.
- (2) The Chairman of Stewards agreed with the change of vehicle so long as no-one complained.
- (3) The Championship Co-ordinators were having a Clubsport Commission meeting and were unavailable at the time of the Clerk of the Course making her decision to allow Mr Terry to change vehicles.
- (4) NSC 37 does allow for vehicles to be changed under certain circumstances but has time restrictions.
- (5) NSC 19 details when a meeting or event commences.
- (6) There were no complaints received from fellow competitors about Mr Terry changing his vehicle.

- (7) Mr Terry had his points removed from the Sealed Hillclimb Challenge by the Clerk of the Course Decision 2 timed at 4-30pm on 9 February 2019.
- (8) No Hearing was held prior to the penalty being imposed.
- (9) NSC 93 (1) states that prior to any penalty (except a time or drive through penalty) being imposed a proper Hearing must be held.

DECISION

The Judicial Committee decides that:

- (1) Given that senior Officials allowed Mr Terry to change vehicles (contrary to the NSC) there was an expectation that he was entitled to compete and therefore the penalty imposed on Mr Terry by the Clerk of the Course is to be set aside and his points accrued in the Sealed Hillclimb Challenge at Little River be re-instated.
- (2) The Official Licence of the Clerk of the Course be endorsed for three months for failing to observe NSC's 19, 37 and 93 (1), Schedule P 6.2 Official. 3 refers.
- (3) Officials are reminded of the need to comply with NSC 74 (1) in the performance of their duties.
- (4) Costs shall lie where they fall.

RECOMMENDATION

The Judicial Committee recommends that the Motorsport New Zealand Rules Committee look at reviewing NSC 37 to make provision for the Clerk of the Course to make the decision to allow for a change of competitor or vehicle in Clubsport events (except for Motorsport New Zealand Championship events) and remove the 30 minutes restriction. Clubsport events are our grass roots level events that we entice competitors into the sport and true sportsmanship of other competitors being able to provide a vehicle for a less fortunate competitor should not be discouraged.

DATED this 11th day of May 2019
MotorSport New Zealand (Inc); by



Dale Crossley
Chairman of the Judicial Committee