

**IN THE COURT OF APPEAL  
OF MOTORSPORT**

**IN THE MATTER** of an appeal by Simon Hunter

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**Decision of the Court**

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### Decision

1. On Sunday 5 April 2015 at a prize giving event following Kartsports National Sprint Championships, Simon Hunter took the opportunity to express his ill feeling or grievances towards Robert Hutton, the Development Manager, and only paid official of Kartsport. What Mr Hunter said when accepting his prize is slightly unclear, but what is clear is that it was highly critical of, and offensive to Mr Hutton, and sarcastic. It seems that many of the audience did not really understand what had been said. Mr Hunter took the opportunity to rub salt into the wound, and clarify what he meant, in a Facebook posting in the early hours of the next morning, apparently influenced by alcohol. He now says that he tried to remove it the following day, but that it had already been removed.
2. The National Executive of Kartsport subsequently summoned an inquiry under section C5 of the Rules of the sport, to enquire into Mr Hunter's conduct. It was found that Mr Hunter had breached rules C3.13 and C8.3 which basically relate to bringing Kartsport, or karting generally into disrepute. He appealed from the findings and penalties imposed. In our view, what Mr Hunter said was clearly highly offensive to Mr Hutton, totally inappropriate and foolish. He must have known, and intended, before he spoke at the prize giving that what he said would cause offence, and bring trouble on him, but he went ahead anyway, and aggravated the situation with his Facebook posting – he dug a hole and kept digging. In fact, in some ways he has kept digging until this day – by showing no remorse, and no insight into his actions.
3. We are satisfied that the inquiry was convened within the 90 days permitted, although we are of the view that the word “convened” is open to interpretation, and should be simplified or clarified, in the sports rules..
4. We are satisfied that the prize giving was part of the event, and what happened there is within the jurisdiction of the inquiry. Nevertheless we had no evidence of complaints from those present at the prize giving, or from those who had read the posting, or of withdrawal by sponsors – so we think that in terms of actual prejudice or harm to the sport, this matter is at the low end of the scale. The situation might have been otherwise had it become the subject of media publicity – so Mr Hunter is probably “lucky” in this respect. We do note that Rule C.11 states that a penalty of suspension shall be



reserved for grave or repeat offences. We have reached the conclusion that the behaviour of Simon Hunter was not a grave offence – nor is there evidence of a pattern of repeat offending in this regard.

5. Our decision is therefore that the appeal be allowed in part, so that the suspension is quashed, but the fine and endorsement for 12 months remains in place – this amounts to a good behaviour bond for 12 months. We consider that Mr Hunter has brought this situation on himself, and done himself no credit whatever, so we order that costs be where they fall, and we do not order the return of the appeal fees.



J A Langford Chairman

(Sitting with Paul Te Punga and Martin Fine)

Name

orally delivered 2 February 2016

Date: 3/2/16.