

# **KartSport New Zealand Inquiry**

Held at

**The Brentwood Hotel  
Wellington.**

**16 April 2011**

Into

**2011 Kart 'N' Dark**

**KartSport Manawatu**

**19 February 2011**

## **KartSport New Zealand Inquiry into:**

### **Kart 'N' Dark – incorporating Rotax Max Challenge, Round 1**

#### **Inquiry Panel.**

L Hickey (Chairman)  
G Moore  
G Wilson

#### **The Terms of Reference for the Inquiry were as follows:**

1. To review all aspects related to Form of Complaints #407980 (Scott Manson), the respective hearings and decisions of the event Stewards Panel.
2. To review all aspects related to Form of Complaints #410027 (Kaleb Ngatoa), the respective hearings and decisions of the event Stewards Panel.

The Inquiry considered matters in the order of the Terms of Reference.

#### **Form of Complaint #407980 Scott Manson**

In regard to the cancelled Form of Complaint #407980 the Inquiry first considered the process through to the FOC being cancelled.

- All competitors were told at drivers briefing that engines, carbs, tyres etc would be marked after the first time trial and it was their responsibility to ensure all markings were present.
- All Technical sealing/marking was completed at the end of first time trials for each class.
- Seals were checked and confirmed by Technical Officers again at the completion of the second time trial.
- At the completion of competition Jamie Aislabie (Chief Technical Officer) checked the impounded karts and found that Kart# 9 in the Junior Rotax Max Class had no marking on the carburettor.
- He then asked Warren Riddick to check the impounded karts with Warren finding the same issue.
- A Form of Complaint was then written up for the driver of Kart #9 and served on the driver's guardian.
- The Chief Steward returned and advised the hearing would be in five minutes.
- After waiting for ten minutes the hearing took place without the driver of Kart #9 or his guardian.
- At the conclusion of the Hearing the driver of Kart #9 was found in breach of the KartSport Manual and DQ'd from the event at 11.45pm as recorded on the Form of Complaint.
- An Official Notification #0529 was posted.
- Some time later Wayne Croft (Clerk of Course) came and instructed Jamie Aislabie to complete Technical inspection of the engine from Kart #9.
- At 1.10am FOC #407980 was marked as cancelled by the Chief Steward.

Evidence was supplied by statement and questioning of Peter Cartwright (Chief Steward) that Laurie Lester (Assistant Clerk of Course) and Wayne Croft (Clerk of Course) entered into a conversation with him and brought pressure to bear on him regarding the completion of the FOC and decision of the Stewards Panel.

As a result of this conversation Peter Cartwright cancelled the results of the Stewards Hearing. Peter made it very clear to the Inquiry that non appearance by the competitor or guardian of Kart #9 was never a consideration in the cancellation.

As Wayne Croft was unable to attend the Inquiry due to flight disruptions he was asked for his comments by phone. While his version of the conversation differed somewhat from Peter Cartwright's he was able to confirm that the conversation did in fact take place.

Following deliberation, the Inquiry Panel concluded as follows:

- The competitor and/or guardian of Kart 9 had completed and signed an entry form for 2011 Rotax Max Challenge.
- This Entry Form state the event format to be as per P1 . P1.10 of the KartSport Manual.
- P1.3 states %Competitor's tyres chassis and engine(s)/carburetor(s)/exhaust(s)/etc will be marked at the end of the first Time Trial contested.+
- It was found in the Impound that Kart #9 had no marking on the carburetor.
- The FOC was correctly established.
- The FOC was correctly served.
- The time of hearing was correctly notified.
- One party failed to appear before the Stewards Hearing despite being given additional time to do so and in their absence the Stewards Hearing continued as provided by Rule C4.5.
- The Stewards Panel determined that the FOC was upheld and signed off the FOC with a disqualification of the driver of Junior Max Kart No. 9 from the event under the penalty section C9.4 item 1.

It was also concluded that all matters relating to the Form of Complaint, subsequent Stewards Hearing and decision were carried out in accordance with the KartSport Manual.

The Inquiry found that Laurie Lester and Wayne Croft acted outside their authority in trying to influence in any way the decision of a duly convened Stewards Hearing.

In accordance with the KartSport Manual the only way to challenge or change the outcome of a Stewards Hearing is by way of the Appeal process or an Inquiry.

There is nowhere in the KartSport Manual that allows for the %cancellation+of the results of a Stewards Hearing.

Peter Cartwright accepted that he should not have cancelled the Form of Complaint but pointed out that at that time of night he was well past standing his ground.

Wayne Croft was however correct in insisting the Technical Inspection of Kart #9's engine be completed.

#### **Inquiry Decision:**

It is the decision of this Inquiry that the Stewards Hearing result stands with the competitor of Kart # 9 being disqualified from the event.

The competitor will be notified in writing after which he will have the normal rights of Appeal.

#### **Recommendations:**

The Inquiry strongly recommends that Race Officials need to fully understand the roles and duties that they are fulfilling at any event and not get involved in areas outside their assigned duties.

It is also recommended that KartSport New Zealand look at the staffing of night meetings and the effect of fatigue on personnel when being expected to perform their duties into the small hours of the morning.

**Form of Complaint #410027 Kaleb Ngatoa**

The Inquiry moved on to reviewing Form of Complaint # 410027 and matters related to it.

Neither party to this Form of Complaint appeared before the Inquiry however both parties (Ngatoa and Cross) had been in contact with the Chairman and expressed their views on the incident. Statements had also been received from Kaleb Ngatoa's guardian.

After discussions with the Chief Steward it was agreed that the whole incident was an overreaction and it was decided that the best outcome for both parties would be for them to get on with good clean racing with a positive attitude.

**Inquiry Decision:**

All penalties relating to Form of Complaint #410027 be removed from Kaleb Ngatoa's competition License.

**Recommendation:**

The Chairman is to talk to both parties regarding this incident and the resolution.

**Lance Hickey**  
**Inquiry Chairman**  
**KartSport New Zealand**