

Kartsport New Zealand Inquiry Report

Kartsport Westland – Breaches of Regulations, Codes and Rules 2016

Report prepared by:	Wayne Keats
Inquiry Panel:	Wayne Keats (chair) Brent Melhop, Nick Buxeda
Kartsport New Zealand Representative:	Graeme Moore
Venue:	Cellular conference call
Date:	Thursday 10 March 2016
Time:	Commenced at 7.10pm

Terms of Reference

To investigate whether KartSport Westland was in breach of KartSport New Zealand Regulations, Rules and Codes with regards to holding a Club Day without the required KartSport New Zealand Officials in attendance, permitting mixed age groups on track at the same time and permitting a Junior driver to drive a senior engined kart and any other related matters.

Appearing

Kartsport New Zealand was represented by Graeme Moore.

Kartsport Westland was represented by Alan Giles and Chris Foster.

Process

Graeme Moore presented evidence regarding activities by Kartsport Westland on or about 16 January 2016.

Alan Giles responded on behalf of Kartsport Westland.

Outcome

The Appeal Board determined that KartSport Westland was in breach of the KartSport New Zealand Regulations Rules and Codes and imposed the following:

- A fine of \$1,500.00
- **NOTES:**
The penalty is "Suspended" subject to 100% compliance for a period of 24 months.
Failure to pay the fine, should it come due, will result in a Permit ban of club day permits for every month the fine remains unpaid.

Costs

The Inquiry Panel determined not to award costs.

Appeal to MSNZ National Court of Appeal

The Respondent is advised of their right to appeal this decision to the MSNZ National Court of Appeal in Accordance with Rule C7.3.

Inquiry Panel Statement

Kartsport New Zealand are sympathetic to Clubs like KartSport Westland who rely on a very small and dedicated group who are all club day drivers themselves and at the same time fulfil the required roles around a club day. Kartsport Westland found themselves in the position of having no Race Official arrive for their club day. After discussion with all in attendance the day was called as a Practice Day. A practice day must simply be that, a practice day. Drivers can form themselves on the dummy grid, and once out on the track pass etc, there must be no official start whether by lights or flag, a chequered flag at the end of the practice run is acceptable to advise drivers their session has ended.

Allowing mixed Age Group classes on the track at the same time whether on a Race Day or Practice Day is NOT PERMITTED.

KartSport New Zealand wishes to make it clear that it by no means wants to discourage individual volunteers and Clubs who are trying their best to increase membership and grow their Clubs' membership but by the same token we have a responsibility to ensure compliance especially where safety is concerned.

Existing OHS and developing health and safety regimes along with police and government bodies strict approach to imposing the law means that to protect Club volunteers and KartSport Officials all concerned must deliver on their joint fiduciary responsibility and KartSport New Zealand will act and impose penalties where the Rules are breached.

KartSport New Zealand cannot stress strongly enough to all affiliated Kartsport New Zealand Clubs, Officials, volunteers and competitors that compliance is very important.

KartSport New Zealand thanks KartSport Westland for its assistance in this process and for its past and continued fine efforts to develop and grow our sport in a fun and safe manner.

Wayne Keats

Inquiry Panel Chair