



KartSport New Zealand Inquiry Report – Citrus 2016

Competitor: Josh Adlam (JA), Rotax Light (Guardian: Todd Adlam)
Report Prepared by: Graeme Moore (GM)
Inquiry Panel: Richard Moore (RM) , Nick Buxeda (NB), Graeme Moore (Chair)
KartSport Representative: Colin Harris National Steward (NS)
Venue: Auckland
Date: Tuesday 10 April 2016
Time: Commenced 6.00 pm Closed 7.30 pm

Terms of Reference :

To investigate whether Josh Adlam breached KartSport New Zealand Regulations, Rules and Codes including, but not limited to G1.9. G1.4, C3.1.3 and C 8.3.

Between:

KartSport New Zealand Incorporated (Applicant)

Josh Adlam (JA) Rotax Light (Guardian: Todd Adlam). Respondents chose not to appear before the Panel. Inquiry has held in Auckland with full Panel present and parties connected as required by conference call

Process:

Inquiry process explained to the Panel under the KartSport New Zealand's inquisitorial based Judicial Code and process. Terms of Reference reviewed and applicable Rules and Codes checked and verified as applicable.

Supporting statements (As circulated to all parties 7 days prior) from related parties verified and reviewed by the Panel.

Normal procedures followed for a KartSport New Zealand Inquisitorial Inquiry including the participation by parties to the Inquiry deemed appropriate by the Panel. Participants were joined into the Inquiry by Conference call as required.

After full and detailed discussion the witnesses were stood down from the conference call, normal Applicant and Respondent summaries were then presented after all questions by the Panel and all parties had been delivered and clarified before the conference call was closed and Panel commenced deliberation.

NOTE:

All matters in statements not directly relevant to the incident were disregarded

Outcome:

The Inquiry Panel determined that the respondent was in breach of the KartSport New Zealand Regulations, Rules and Codes as per the TOR.

Reference to a Race Official either directly or indirectly in a derogatory or abusive manner is unacceptable regardless of the circumstances.

The Panel accepts that the use of foul language is common in some environments but is 100% not acceptable when involving KartSport New Zealand Officials volunteers or events and certainly not when at the highest end of the scale and in front of KartSport New Zealand Officials, volunteers, competitors including women and children.

The Panel did not accept the guardian's and or witness argument the comments were "*Private*" and also noted the lack of remorse by the respondent.

Penalties applied as per KartSport New Zealand Judicial Code and Constitution as below:

Fine:

\$2,000.00. Payable within 48 hours.

Licence Suspension:

Josh Adlam's Competition Licence is suspended, effective immediately, for a period of 12 months.

Licence Endorsement:

Josh Adlam's Competition Licence is further endorsed effective immediately for a period of 24 months. Any finding against Josh Adlam regarding himself or his guardian, team or crew for any matters related in any manner to this offence and in particular under Rule G1.9 *Unacceptable Behaviour* and or including any related activity by respondents, guardian and or team will result in Josh Adlam's licence being suspended for the remainder of the endorsement period.

Costs:

The Inquiry Panel determined not to award costs

NOTE: Any delay beyond 48 hours in the payment of respective fines shall be added to the term of the penalties and normal KartSport New Zealand collection procedures will be implemented.

Appeal to MSNZ National Court of Appeal:

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

Summary and Recommendations:

1. Public awareness of the outcomes and penalties from all infringements is essential and from now on all such Inquiry outcomes be clearly posted in on the KartSport New Zealand website in a prominent position so as to aid members and associated participants in understanding their responsibilities and obligations under the rules and regulations of KartSport New Zealand.
2. KartSport New Zealand wishes to make it clear that, along with ASN's (National Sporting Associations) worldwide, our leadership and members will not tolerate *Unacceptable Behaviour* be it on track, in the field, in the press/TV or on social media.
3. Where such behaviour involves the use of written, verbal and or physical abuse KartSport New Zealand will deliver penalties up to the maximum allowed. This may include fines up to and exceeding \$5,000.00, all associated costs and or life suspension of membership/guardianship and loss of awards/prizes.
4. KartSport New Zealand's Judicial Code has a sound set of policies, procedures and process. If a member, guardian, crew or competitor is unsatisfied with any aspect of the process and or the outcomes there is a path to follow in a mature manner that allows review of decisions.

Graeme Moore

Inquiry Panel Chair