



A KartSport New Zealand Appeal was received from Simon Hunter of Christchurch against to outcome of the final of the Yamaha KT100 Heavy Class at the 2009 National Sprint Kart Championship at Hamilton on 10-12 April 2009.

The decision of an Appeal Board appointed by KartSport New Zealand under Article D6 of the KartSport New Zealand Judicial Code is provided below.

Appeal Board Membership

Wayne Scott (Chair)
Graeme Moore
Alan Sherris
Peter Fraser
Brent Melhop

In the Matter of

An appeal by Simon Hunter of Christchurch against the outcome of the final of the Yamaha 100KT Heavy Class at the 2009 National Sprint Championship at Hamilton on 10 – 12 April 2009.

Hearing Details

The appeal hearing took place on Saturday 4th July 2009 at the Sudima Airport Hotel, Christchurch, commencing at 10.00am.

Preliminaries

The Appeal Board noted Mr Hunter's initial opposition to one of its membership, Mr Graeme Moore, on the grounds that as a KartSport New Zealand Executive member, he may have been party to previous discussions on the matter. Mr Hunter confirmed to the Appeal Board his acceptance of the Board composition.

Background

The matter under appeal relates to the final of the Yamaha 100 KT Heavy class at the KartSport New Zealand 2009 National Sprint Championships held at the Hamilton Kart Club venue, Airport Road, Hamilton, over the weekend 10, 11 and 12 April 2009. The Yamaha 100 KT Heavy class final, the subject of the appeal hearing, was held on Saturday 11 April.

The Hearing

Mr Simon Hunter stated that the final was scheduled for 20 laps, however was stopped after 6. Competitors were advised on Saturday following the race that the balance of the race would be held on the following day, Sunday 12 April. A notice was posted to that effect. At 7.15am on the Sunday another notice was posted advising that the results had now been determined on the Saturday race under Rule E5.21.

Mr Hunter submitted that the requirement for the final was a minimum distance of 15 kilometres as set out in Rule G19.A.11. He agreed that the chequered flag had been shown, as had a red flag.

Mr Hunter called four witnesses, viz.

- Hamish Cross
- Justin Neal

- Lynda Cox; and
- Ian Hunter
who referred to the confusion surrounding the incident.

Mr Wayne Croft representing KartSport New Zealand confirmed that the race had received the chequered flag after 6 laps, and the result had been declared under Rule E5.21. He advised that the notice issued on Saturday had been based on incorrect information, and accordingly a revised notice was issued on the Sunday morning to the effect that the race had been determined under Rule E5.21.

He considered the circumstances supported a force majeure situation.

Mr Colin Harris, the Clerk of the Course for the event advised that he had been made aware of the requirement to close the circuit at 5.30pm, and accordingly at that time had instructed that the chequered flag be shown.

Written witness statements were made available to the Appeal Board from:

- Bruce Cawood,
- Colleen Palenski,
- Ron Alexander, and
- Bradley Tyrrell.

Observation

The Appeal Board notes that it was unfortunate that such an occurrence happened at a championship event, in that it would have been obvious the race could not have been completed before the designated circuit closing time.

Process

The appellant Mr Simon Hunter, and Mr Croft representing KartSport New Zealand, confirmed that they were satisfied they had received a fair hearing

Finding

The Appeal Board finds:

- (1) That the scheduled 20 lap race was shown the chequered flag after 6 laps.
- (2) That the red flag was also used when competitors did not stop racing following the chequered flag being displayed.
- (3) That in terms of Article E 5.21, the display of the chequered flag deemed the race to have ended at the moment the signal was given.
- (4) That section G article 19.A.11 provides a race distance minimum for the national final of 15 kilometres.
- (5) This criteria was not met.
- (6) The Appeal Board notes that heats based championships, e.g. Dirt Kart and National Schools provide a linkage to Rule 5 (and therefore 5.21), while CIK national format events have specific provisions in their rules.

Decision

- (1) That the appeal is upheld.
- (2) The Yamaha 100 Heavy final did not meet the criteria for a National Championship final.
- (3) The 2009 Yamaha 100 Heavy title be deemed as non-contested.
- (4) The appeal fee be refunded.

The parties are reminded of the right of appeal to the Sports Dispute Tribunal of New Zealand in accordance with Article D7 of the KartSport New Zealand Judicial Code.

Verbal decision given at 1430 hours on Saturday 4 July 2009.

Written decision forwarded by email to KartSport New Zealand for distribution on Sunday 5 July 2009.

For and on behalf of the Appeal Board.

Wayne Scott
Chairman