



Outcome of Appeals from 2007 National Sprint Championships

On Saturday 19th May, 4 appeals were heard from penalties imposed at the 2007 National Sprint Championships held at Manawatu over Easter.

Every competitor has the right to Appeal a decision of a Stewards Panel following a Protest Hearing. By the very nature of that right it is the decision of the Stewards Panel that is being protested. Therefore evidence that was presented to the Stewards Panel and subsequently lead to the Penalty is the main basis of consideration. However the objective of the Appeal is to find the right outcome and evidence that may not have been available on the day but which assists in meeting that objective can be considered

Hopefully the explanation that follows to describe the outcomes of the Appeals will give a better understanding of how the process works

Appeal 1

Senior Rotax Lights – Kart # 67 – D’Qed from results due to failure of engine to pass Technical inspection.

On examination of the engine, an additional spring was found securing the housing side of the bellows in the power valve. This spring is not approved in our rule book.

The only penalty that can be given in failure to pass technical inspection is a DQ.

At the Protest hearing many issues were raised by the appellant as to why and how the spring was in the motor. KartSport has an agreed process for any modifications, additions, changes that are created by Rotax. An application is received from the importer requesting consideration of a change to our rules. Whilst this spring has been in existence for some significant period of time, no application had been received by KartSport for this change. From evidence received the spring had been removed from motors pre sale, but in this case the engine has not gone thru that check.

An application has subsequently been received after the Nationals and from the 1st July 2007 this spring is a legal optional extra.

The Decision of the Appeal Panel was that the Stewards decision stood and the Appeal had been unsuccessful on the following grounds:

- The appellant acknowledged that the spring was illegal.
- The appellant was aware that the responsibility for tech compliance rests with the competitor.
- The appellant understood that the only penalty for failing technical inspection was a DQ.

The Appeal Panel shares in the disappointment felt by this competitor.

Clearly a system that was in place had not been followed, and this outcome could have been avoided.

Appeal 2

Senior Yamaha Lights – Kart # 97 – D’Qed from Event – Failure to gain approval for Change of Chassis

Our rule book says that once racing has commenced the permission to Change a chassis rest with the decision of the Chief Steward

It was claimed that because of an incident that occurred at Official practice and the damage the resulted saw deterioration of lap times during the Time trials, and repechage. A request was made of the Chief Steward for permission to change the chassis.

The Chassis was inspected and a comment of “yes, I am satisfied” was made.

The competitor construed that the remark was the approval he wanted. Because of workload of 14 protests, the Chief Steward was unable to get back to clarify if anything other than approval had been given for over 3 hours

The Appeal Panel found the Appeal had been successful on the grounds of fairness in the circumstances.

The Appeal Panel will recommend to KartSport that where a chassis is approved for replacement that a standard “Receipt for Surrendered for Impounded Items” form is completed and issued. This will prevent any misinterpretation as – No receipt means no approval has been given.

Appeal 3

Senior Rotax Heavy - Kart # 11 – D’Qed from Heat 2 – Breach of 4.2 Driving Behaviour

A protest was taken by a fellow competitor against Kart 11 for weaving and blocking during heat 2 and sought relegation behind him as a penalty. During the protest hearing evidence was produced that highlighted that the problem was not just one isolated incident and that the breach had occurred more than once during the race.

The Authority of the Stewards of the Event (covered under D2.8) allows them to collectively decide what penalty to enforce in the event of a breach of the rules.

Having examined that evidence the Appeal Panel saw no grounds to over turn the decision of the Stewards Panel. Therefore the Appeal was unsuccessful.

As a result of this decision Kart #11 is excluded from the results of the Final

Of particular note it is felt important to mention that under the CIK format where a DQ is given the competitor has the opportunity to choose the Pre penalty grid position or the Post Penalty grid. In this case there was a significant difference between the two so the Competitor was absolutely relying on the Appeal being successful in order to retain his finishing position for the day. Had he chosen the post penalty position, the results would have stood.

Appeal 4

Senior Rotax Heavy – Kart #66 – lost a protest after the Final against Kart # 6 – Breach of 4.2 Driving Behaviour

On the last lap of the Final at turn 4, a pass was made by Kart #6 on Kart # 66 which was claimed to be in breach of the rules.

In the Protest hearing, there was a major difference in the evidence presented by both drivers. Witness evidence for Kart # 66 described the incident as "a calculated hit to knock Kart 66 out of the way". The Steward on the corner in question described it as "Kart 66 left a gap and Kart 6 entered the corner and claimed the right of way".

The Stewards Panel dismissed the protest on the grounds that because of the degree of conflicting evidence the case was not proven by Kart 66.

On the written evidence the Appeal Panel saw no grounds to over turn the Stewards Panel decision.

As a final means of ensuring the right outcome was determined, the Appeal Panel used the TV coverage of the incident and matched it against the evidence from both sides. It was appreciated that the Stewards Panel had not had access to this material in making their decision.

The outcome of that review was that the Appeal Panel accepted the evidence of the Steward on the corner as being the accurate account of what happened even though it was claimed that the Steward did not see the incident.

The Appeal was unsuccessful.

Comments:

The Appeal Panel took serious note of their responsibilities. In particular they were aware that the outcome of these appeals saw three yellow plates at stake.

It was interesting to note the discrepancies of multiple witness statements received when matched up to video coverage. It was as if some witnesses were at another event. Whilst the statements are accepted as a true and accurate account of what was claimed to be seen, there is clearly a major exposure for an injustice to be served if we have such a poor recall of actual incidents

Hopefully the Judicial review will take this important fact into account.

Alan Sherris
Chairperson of the Appeal Panel

Revised Nationals Results following Appeals :

125cc Rotax Max Light

1st	Matthew Hamilton	20 laps
2nd	Paul Cameron	+0.962
3rd	Simon Evans	+1.107
4th	Tony Chambers	+1.343
5th	Kane Taylor	+3.303
6th	Joshua Hart	+3.716

125cc Rotax Max Heavy

1st	Tom Williamson	16 laps
2nd	Hamish Cross	+1.114
3rd	Aarron Cunningham	+7.882
4th	Mark Gilmer	+8.013
5th	Adam Boote	+8.259
6 th	Bryce Coulbeck	+8.795