



KartSport New Zealand Appeal Report

Ref: Notice of Intention to Appeal (200403) the Exclusion of Jacob Douglas from the Vortex Mini ROK class, 2018 National Sprint Championships (PNR 416454)

Report Prepared by: Graham McKenzie

Appeal Board: Graham McKenzie (chair), John Lennox and Richard Moore

Venue: Sudima Hotel, Christchurch Airport

Date: Sunday 6th May 2018

Time: Commenced 10.00am. Closed 2.25pm.

Appearing: For KartSport New Zealand

- Warrick Parkes, Competitions Manager and Acting National Steward
- Jason Sharp, guardian for driver of kart #21

For the Appellant, Craig and Rowena Douglas for Jacob Douglas

- Jacob Douglas
- Tiffany Hamilton
- John Hamilton
- Craig Baird via video link

Appeal Hearing: Preliminary matter: Prior to each party being heard, after directions from the Chair, the parties agreed that the question of determining compliance with Rule C4.4.3 as to the effect of the timing of filing the PNR 416454 (the subject of the Appeal) would be determined after first hearing and determining the merits of the rest of the Appeal.

Witness statements and evidence tabled for the Appellant:

- Statement from Johnny Bassick, event Race Official
- Statement from John Blair
- Statement from Ken Smith
- Statement from Matthew Hamilton
- Statement from Daniel Harvey
- Seven videos including with slow motion (including from karts ahead of and behind the incident plus from the event livestream)
- Photo sequence of the incident from a kart ahead of the incident.
- Copies of the results sheets posted at the event and a timeline of all the PNR's lodged ref the Vortex Mini ROK Final.

Witness statements and evidence tabled for KartSport New Zealand:

- Statement from the event Chief Steward, Maylene Robbie
- Statement from Warrick Parkes Competitions Manager and Acting National Steward
- Statement from Jason Sharp, guardian for driver of kart #21.
- On board video from kart 21 of the incident.

Extensive written submissions and witness statements were provided by the Appellant. Evidence was given in person and in the case of Craig Baird by Skype. While the Appeal hearing was de-novo (all evidence was heard afresh) Mr Douglas provided substantial oral submissions as to why he considered the Stewards hearing had been a breach of natural justice and had not met the KartSport Rules.

The Appeal Board observed on a number of occasions video evidence taken from the live stream on the day of the event and on-board video evidence together with still photographs of the incident.

Jason Sharp gave evidence, supporting the views of Louis Sharp and provided a detailed analysis of his views of what the video evidence showed.

Warwick Parkes submitted that having heard and seen the evidence there was doubt that there was a disadvantage to Kart 21 but nevertheless the Stewards decision on race day should stand.

Findings:

1. While on lap 9 of the race Kart 1 did move briefly out of a straight line, the Appeal Board was not satisfied that the evidence showed Kart 21 had braked to avoid Kart 1. There was no advantage to Kart 1, no disadvantage to Kart 21 nor a breach of the driving conduct provisions of J1.2 by Kart 1.
2. PNR 416454 was filed well out of the 20-minute time limit required in Rule C4.4.3. Such PNR should never have been heard.

Outcome:

Decision (given verbally after the conclusion of the hearing) which was unanimous:

- The Appeal is upheld (and founded in terms of Rule C6.2). Jacob Douglas's disqualification from the Vortex Mini ROK final is overturned and Kart 1 is the winner. The Appeal Fee is to be returned to the Appellant.
- PNR 416454 was filed far too late and well outside the strict 20-minute time limit required in Rule C4.4.3. The Stewards Hearing was invalid, their decision to disqualify Kart 1 is invalid.

Observation:

Without Race Officials who generously provide their time voluntarily racing would not occur. On some occasions they can be placed under significant pressure. It is recommended that the Executive ensure that adequate training of officials with regard to in particular the application of key rules and that sufficient resource be provided particularly at major events.

Also, a review of Rule J1.2 should occur with a view to having a more consistent application throughout all KartSport events. In particular the words highlighted in Rule J1.2 below need to be better understood.

J1.2 CODE OF DRIVING CONDUCT: *A high standard of driving behaviour is expected. A kart must be driven at all times within the capabilities and expertise of the competitor.*

*At any time during practices, time trials or racing, any on track action or actions by one or more drivers **which unfairly disadvantages** another competitor or competitors is not permitted.*

Graham McKenzie
Appeal Board Chair