



KartSport New Zealand Inquiry Report

2018 NZ Sprint VMR PNR 417183

Report Prepared by: Graham McKenzie

Inquiry Panel: Graham McKenzie (chair), John Lennox and Richard Moore

Venue: By electronic communication on the Judicial Worksite

Date: 11 June 2018

Background:

The KartSport New Zealand Executive voted on 12 May 2018 (ref Rule C5) to hold an Inquiry regarding the results of the Vortex Mini ROK class at the 2018 National Sprint Championships held at KartSport Rotorua on 1 April 2018.

The Terms of Reference were as follows:

- To investigate whether PNR 417183 was lodged in compliance with KartSport New Zealand Rule C4.4 Protest Time Limit.
- Should PNR 417183 be found to not be in compliance, to determine the correct results.
- To investigate and take any other action/make recommendations which may be relevant to this issue.

Process:

- The Inquiry was by way of electronic exchange of documents and voting and was held under KartSport New Zealand guidelines based on the inquisitorial process (Rule C5).
- A Notice of the Inquiry was sent (on 21-5-18) to the guardians of the top eight provisional place getters plus the guardian of Kaden Probst (on 22-5-18), who initiated the PNR concerned and all recipients were invited to make submissions and/or request to be heard by the Inquiry Panel. Formal responses were received from Chris Rooney (on behalf of Tom Bewley), Darren Probst and Luke and Kristin Manson and the Competitions Manager, Warrick Parkes.
- A statement from the Competitions Manager together with copies of the provisional results and results of the day (which were then subject to appeal), with posting times noted, were submitted to the Inquiry Panel and also circulated to the nine guardians on 5-6-18. One subsequent response was received from Brett and Stephanie Payne who had not responded to the first notice.
- The statements/submissions received included that some considered the results should be left as they were on race day. Others considered they were misled by Officials in the protest process. Another considered they should be entitled to lodge a protest now for compassionate consideration.
- The findings of the [Douglas Appeal](#) were considered.

Finding:

PNR 417183 was filed well out of the 20-minute time limit required in Rule C4.4.3. (See below.)

C4.4.3 *A protest against another competitor must be lodged, at the latest, twenty minutes after the disclosure of the provisional results of the race concerned.*

Such PNR should never have been heard. The provisional race results were posted at 1.25pm and at 1.30pm were noted as being subject to inquiry (hearings). Following three hearings a further set of race results were posted at 4.52pm. Protest PNR417183 was lodged at 4.52pm. The last set of race results were posted at 6.27pm and noted as being subject to appeal.

The Inquiry Panel is aware of the different views of affected parties and that for some they consider any amendment of the race results would be wrong. As the rules stand the 20-minute time period after the posting of provisional results to file a protest is required to be strictly applied. Neither Race Officials nor the Panel has any discretion whatsoever to extend this time period or to consider any other factors that may have affected the time a protest was lodged.

Outcome:

PNR 417183 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 penalise Kart 4 is invalid and Kart 4 is now reinstated to 3rd place in the Final.

Graham McKenzie
Inquiry Panel Chairperson
11 June 2018