

MEDIA RELEASE

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Sports Tribunal allows appeal against suspension of saloon car driver for having an illegal engine

The Sports Tribunal has allowed an appeal by Tony Heuvel against a decision of Speedway New Zealand (Speedway).

Mr Heuvel entered his car in the New Zealand Saloon Car Championships and qualified for the final. Before the final, his car was inspected by Speedway officials who determined the carburettor was illegally modified and issued an infringement notice suspending him. Speedway's Board of Directors subsequently suspended him for 12 months for having an illegal engine. Mr Heuvel appealed to Speedway's Appeal Committee that his carburettor was legal. The Appeal Committee upheld the Directors' decision. Mr Heuvel appealed to the Sports Tribunal on various grounds, some of which were successful.

The Sports Tribunal found there had been a breach of natural justice in some aspects of the manner in which Speedway dealt with the matter. These included:

- The Directors had determined the engine was illegal without hearing from Mr Heuvel.
- There had been a lack of information provided to Mr Heuvel before the both the Directors' meeting and the Appeal Committee hearing.
- Adequate details of the alleged infringement were not provided to Mr Heuvel.
- The manner in which the Appeal Hearing was conducted was flawed including the Committee talking to officials (including some who inspected the carburettor) over the phone with the result that Mr Heuvel could not directly hear their replies or ask them questions, and the officials trying to identify the alleged illegal carburettor over the phone without having the carburettor in front of them.

The Tribunal concluded the Appeal Committee decision could not stand and therefore the Tribunal reheard the matter. There was conflicting evidence as to whether the carburettor produced to the Appeal Committee and to the Tribunal was the same carburettor as on Mr Heuvel's car at the time of the championships. It was accepted that the carburettor produced to the Tribunal was not illegal. Mr Heuvel gave credible evidence that this legal carburettor was the same carburettor on his car. The Tribunal decided that Speedway's evidence fell short of the required standard of countering that it was not the carburettor on his car at the time of the championships. The appeal was therefore allowed and the suspension was set aside.

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sporttribunal.org.nz). See *Tony Heuvel v Speedway New Zealand* (ST 12/08). Copies of the decision can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sporttribunal.org.nz).