

GARY ARMSTRONG

- and -

MOTORCYCLING QUEENSLAND

Committee:	Richard Lawson and Dale Wyatt
Appearances:	Noel Woodall, Solicitor for Mr Armstrong Jim Feehely, for MQ
Convenor/Registrar:	Claire Lawrence
Hearing and decision:	5 September 2017; 12 September 2017

Reasons for Decision

This dispute has a long history which can be summarised as follows:

1. Mr Armstrong had a disagreement with some officials at a Queensland event at Green Park on 8 August 2015. He had been a Queensland resident for some years.
2. Then, several steps followed – both administrative and judicial – which ended with a ruling by this Committee on 18 March 2016. By that ruling, Mr Armstrong’s licence remained suspended until 23 June 2016 and a debt was due from him to MQ in the sum of \$3,781.25.
3. The \$3,781.25 has not been paid. But through his lawyer, Mr Woodall of Sunshine Coast Legal, Mr Armstrong offered to pay the amount in full in exchange for the immediate reinstatement of his licence. A letter to this effect was sent to MQ electronically on 7 June 2017.

4. MQ did not respond to the letter in a way that had been hoped by Mr Woodall. MQ's hesitation or reluctance can be explained, perhaps, as appears:
 - a. Mr Armstrong filed a membership application with a Victorian club in November 2016;
 - b. At least for a time, an MA licence issued to him as a result; but
 - c. MQ regarded this as a way of Mr Armstrong avoiding payment of the \$3,781.25.

5. The MA licence issued via Motorcycling Victoria has since been revoked by MV (in deference to this Committee's decision of 18 March 2016). In May of this year, Mr Armstrong had sought to enter an event on the strength of his revived licence but withdrew his entry application when his short-lived MA / MV licence was revoked.

MQ and Mr Armstrong had very different attitudes to the foregoing. MQ regarded Mr Armstrong's MV Club membership application as little more than a ruse. But Mr Armstrong explained that he took up residence in Victoria last year because his terminally ill father (a Victorian resident) needed his son by his side. Evidently, as a much younger man, Mr Armstrong lived in Victoria. Accordingly, Mr Armstrong insisted that joining an MV club last year was quite legitimate. Moreover, when it appeared that there was a problem to enter an event last year, he did not persist with the entry application. As a result, a stalemate has ensued.

Both MQ and Mr Armstrong's points of view – far apart as they are – can be understood. MQ's initial position was that Mr Armstrong's conduct in Victoria warranted the imposition of further penalties on him over and above the suspension to 23 June 2016 pending the payment of \$3,781.25. By contrast, Mr Woodall urged upon the Committee that his client has already been penalised to a level more than intended by this Committee's decision made 18 March 2016. It was pointed out that Mr Armstrong has not participated in any meaningful way in the sport since late 2015 – now nearly two years go. But it is in the forefront of this Committee's judgement that 18 months since Mr Armstrong last appeared before this Committee, none of the \$3,781.25 has been paid. There is no evidence before this Committee that Mr Armstrong is enduring financial hardship. Less than \$50 per week would have seen the debt cleared. His inaction has a contretemps ring.

Decision

1. Mr Armstrong is hereby relicensed conditionally.
2. Those conditions are:-
 - a. The \$3,781.25 must be paid by him to MQ on or before 31 October 2017; and
 - b. An additional fine of \$1,000 is imposed upon him payable to MQ on or before 31 January 2018.
3. In the absence of the two sums being paid in accordance with the above, the conditional licence will be cancelled.
4. If the two sums are paid when they fall due the licence will be treated as an unconditional licence.



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CLAIRE LAWRENCE

As Agent for the Judicial Committee