



MOTORSPORT NEW ZEALAND (INC)

NOTICE OF DECISION OF A SUB-COMMITTEE APPOINTED BY THE EXECUTIVE COMMITTEE, NAMELY:

- Mr Martin Fine (Chair)
- Mrs Janet Phipps
- Mr Murray Starnes

THE PARTIES:

Mr Geof Argyle (Competition Licence 4956) – Competitor
Mr Robbie Leicester (Competition Licence 1186) - Competitor

Representing MotorSport NZ: Mr Bill Bawn

THE ABOVE SUB-COMMITTEE acting under the powers set out in Part X of the National Sporting Code, having considered matters presented to it by the parties and their respect witnesses has reached the following decision:

BACKGROUND

The sub-committee was established to consider matters brought to the Sports attention and establishing a possible breach of Article 92(2) of the National Sporting Code namely:

Any members of MotorSport New Zealand or its affiliates who at any time other than during the conduct of a meeting or event acts or omits to act in any way prejudicial to MotorSport NZ or automobile sport in general or brings MotorSport NZ or automobile sport generally into disrepute shall be disciplined and penalised by a panel established under Part X of the Code.

It was alleged that Mr Argyle conducted an unpermitted promotion on Whariti Road, Woodville on Friday 23 March 2012, which was one day prior to the Stringfellows Whariti Peak Hillclimb Event (permit number 9152). The Promotion was undertaken with a live feed to the local radio station. No road closure was in place, but Mr Leicester parked a car across the road in order to control any traffic.

The Sub-committee heard evidence from the parties and written statements from

- (1) Mr Graham Lamond, Taranua District Council
- (2) Rod Bracegirdle, Event Organiser.
- (3) The Clerk of the Course for the Event

HEARING PROCEDURE

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 120.

FINDINGS

1. The Clerk of the Course for the Event gave permission for the promotion to occur.
2. The Dannevirke Car Club played no further part in managing or organising the promotion that it had approved.
3. The Promotion in the way it was organised and conducted had the potential to bring the Sport into disrepute.

4. The letter of complaint from the Roading Manager of the District Council to the Sport, had it been factually correct, would have established that the conduct had brought the Sport into disrepute.
5. The Subcommittee is satisfied on the basis of the evidence presented that the actual promotion was ill conceived and badly managed but that this was not the sole responsibility of Messrs Argyle and Leicester and that the parties by their conduct did not bring the Sport into disrepute.

RULING

1. Mesrs Argyle and Leicester are severely reprimanded.
2. MSNZ is directed to write to the Dannevirke Car Club Inc advising them that their actions in allowing this promotion to proceed unmanaged showed a considerable lack of understanding of the rules and a general lack of communication between the Club, the Event organiser and the Clerk of the Course which if repeated should result in the Sport considering the issue of further permits to the Club.
3. MSNZ should write to the Tararua District Council outlining the fact that the matter has been fully investigated and that a communication break down occurred that will not occur again and that a hearing has been held and the parties sanctioned.
4. The Dannevirke Car Club is directed to write to the Tararua District Council apologising for the incident and advising that steps are now in place to ensure that this type of incident will not occur again.

DATE AND TIME OF DECISION

On Friday 13th April 2012 at 2.00pm.
Written decision 26 April 2012.

Martin Fine
Chairman

The Parties are advised of their rights of Appeal under the National Sporting Code.