

MotorSport New Zealand (Inc.)

Decision of a Sub Committee appointed by the Executive Committee under Article 118 of the National Sporting Code, namely –

- **Graeme Robertson (Chair)**
- **Wayne Christie**
- **Wayne Scott**

In the Matter of

An investigation into the actions of #28 Andrew Grundy (Competition Licence 13027) and Mark Smith (Competition Licence 23476) when doing 'donuts' during the finish ceremony at Marlborough Convention Centre, Blenheim at the conclusion of SILVER FERN RALLY on 23 October 2008.

Hearing details

The hearing took place on Wednesday 4 February 2009, in Christchurch (Sudima Motel, cnr Memorial Av and Orchard Rd) commencing at 7.00pm. The participants being the Subcommittee members, Andrew Grundy (Competitor), Mark Smith (Competitor) Dave McCahon (Clerk of the Course), Carl Rabbidge (Rally Manager, Silver Fern Rally) and Evelyn Jordan..

Background

The Executive Committee required the Sub Committee to inquire into the circumstances relating to Decision 4 as it appears that the penalty applied was not provided for in Schedule P, and additionally to consider National Sporting Code articles:

Article 119(a)(iii)

That it appears from the Steward's Report or otherwise that any penalty imposed was clearly excessive or clearly inadequate, or that for special reasons such a penalty was inappropriate:

The Sub Committee should investigate and ascertain the penalty applied to Mr Andrew Grundy was appropriate and in accordance with the National Sporting Code.

Article 119(a)(iv)

That it appears on the application of any entrant or driver that an inquiry into any competition is called for on the basis that there has been either a gross miscarriage of justice or such inquiry is considered fundamental to the interests of motorsport:

The Sub Committee should investigate the actions of the competitor in this matter in relation to the interests of the Sport.

Article 119(a)(v)

That it appears any Official, Promoter, Organiser or any other person or Organisation has committed any breach of this Code, its Appendices and Schedules, or International Sporting Code:

The Sub Committee should investigate the actions of the Clerk of the Course involved in this matter

Hearing

The Sub Committee had been provided with The Clerk of the Course Decision 4, Stewards Report and a YouTube video which were tabled and considered.

Statements were given by Andrew Grundy, Mark Smith, Dave McCahon and Carl Rabbidge. An email from Lee Davis, CEO, Clubs of Marlborough was tabled..

The hearing was conducted in accordance with National Sporting Code Article 120.

Both Mr Grundy and Mr McCahon asked for clarifications on a number of administrative, interpretation and judicial matters. The Sub Committee advised that would take cognisance of these during the hearing and where necessary they would be brought to MotorSport NZ on a separate report.

It was established that Ground 2 of the Hearing notice relating to National Sporting Code 119 (a) (iv) was not relevant as no application had been received from "...any entrant or driver...."

Finding

The Subcommittee have reached the following findings in respect to the points they have been charged with considering:

1. Mr Grundy admitted to doing celebratory do-nuts
2. These were done some time after the formal finishing ceremony and officials had dismantled the area
3. Mr Smith was not in the vehicle at the time
4. Police and Fire were not called to the incident
5. The Building was not evacuated
6. Mr Grundy undertook to make good any damage that had been caused
7. Centre management are satisfied with rectification action taken and "now unfazed that the incident took place"
8. Mr McCahon advised he was not able to find a breach to assign a penalty to and that no suitable penalty was available
9. Clerk of the Course Decision 4 was issued to document an arrangement agreed to by Mr Grundy
10. No contrary evidence was presented

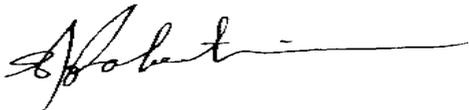
Decision

Taking account of all the factors put before the Sub Committee FINDS:

1. That from the evidence presented there is no case to answer
2. That any damage caused has been rectified to the building owners satisfaction.
3. The Clerk of the Course does not have the authority to make rulings of this nature
4. Motorsport NZ should investigate provision of damage rectification rulings.
5. The parties are reminded of their rights of appeal which commence when the written decision is received.

This decision was given verbally at 2030hrs and followed by email notification on 9 February at 10:10hrs.

On behalf of the Sub Committee.



Graeme Robertson
Chairman