



## MOTORSPORT NEW ZEALAND (INC)

### DECISION OF HEARING BEFORE A SUB COMMITTEE APPOINTED BY THE EXECUTIVE COMMITTEE, NAMELY:

- Mr Shane Harris (Chair)
- Mr Wayne Christie
- Mr Graeme Robertson

#### PRESENT:

Norman Oakley - Clerk of the Course  
Dean Sumner – Competitor  
Paul Fallon – Competitor  
Chris West – Competitor  
Richard Mason – Competitor  
Kerry Cooper – representing the complainant  
Brian Budd – MotorSport NZ

The Sub Committee was convened under Article 118 & 119 of the National Sporting Code to investigate the running of Stages 4 and 6 (Shag Valley Road) of Rally Otago held on Saturday 10 April, 2010.

#### DATE AND TIME OF HEARING.

Thursday, 20 May 2010, commencing at 6.00 pm

#### PLACE OF HEARING

MotorSport House, 69 Hutt Road, Wellington – Board room

MATTERS TO BE INVESTIGATED under authority of NSC Article 119 are:

(1) 119 (a) (ii)

**That it appears from the Steward's report or otherwise that the conduct of a promotion or part thereof, or the conduct of any participant therein, or the eligibility of any competing vehicles requires investigation having regard to the interest of motorsport generally and the administration thereof by MotorSport NZ**

The Sub Committee should investigate if the event was run correctly and if the Road Book was adhered to correctly, particularly in Stages 4 and 6 of the event.

(2) 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 if there was any breach of Appendix 4, Schedule R 'Itineraries/Road Books.'

## **PROCEEDINGS**

The Chairman introduced the Committee members and advised that the first requirement of the sub-committee would be to investigate whether or not any breach of the regulations had occurred. At that point depending on the outcome of the hearing it could be necessary to move to a disciplinary hearing. Their second requirement would be to determine if there is any requirement to modify any of our rules.

Mr Cooper outlined the basis of the complaint and showed TV footage that had been screened on both TV3 and Sky. It was alleged that Competitors Mason, West and Sumner did not follow the rally route during a special stage and rejoined at a point gaining an advantage.

The competitors provided explanation that their actions did not contravene Schedule R in any way. They cited "public road" definition, Schedule R, Part one, Articles 4 and 5.9.

Mr Oakley confirmed his belief that no contravention of Schedule R had occurred. He said that on reflection he could have marked the road as required in Article 5.9 to indicate it was not to be used however he did not. He provided examples of route definitions from Confederation of Australian MotorSport and Asia-Pacific Rally Championship.

## **FINDINGS**

The Sub Committee finds:

1. The road taken by the competitors fell within the definition of a 'public road' which is "...area from fence to fence which encompasses the carriageway (sealed or unsealed) of a road.....".
2. The intersection of the road taken was not marked as unavailable was provided for in Article 5.9
3. The itinerary was complied with as time controls associated with Stages 4 and 6 were recorded on the drivers time cars.
4. It must be considered that the road book was followed as the organisers did not have marshals at all instructions in the special stages to confirm passage.

## **RULING**

The Sub Committee rules:

1. No breach in respect of following the itinerary and road book by the competitors is proven.
2. The definition for "public roads" be referred to the Rally Advisory Commission to review its adequacy.

The decision was provided verbally at 6.50pm and will be documented and distributed at a later time.

The participants are reminded of their right to Appeal under the provisions of the National Sporting Code

**Written decision DATED** this day 28 May 2010 at 1.30pm.



**Shayne Harris**  
Chairman