



## MOTORSPORT NEW ZEALAND (INC)

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

- Mr Wayne Scott (Chair)
- Mr Norman Oakley
- Mr Barry Higham

### THE PARTIES:

**Mr Grahame Christian** (MotorSport NZ Licence 141754X), Targa Tour Participant  
**Mr Peter Martin** (MotorSport NZ Licence 062629X), Club Targa Inc  
**Mr James Logan** (MotorSport NZ Licence 0936882Y), Clerk of the Course  
**Mr Peter Sergent** (MotorSport NZ Licence 984761Y), Steward  
**Mr Ray Bartlett** (MotorSport NZ Licence 029074Y) Steward

Representing MotorSport NZ: Mr Brian Budd

**MOTORSPORT NEW ZEALAND (INC)** under the powers set out in Article 118 and 119 of the National Sporting Code, having considered matters brought to its attention held an inquiry before a sub-committee appointed by the Executive.

**ON THE GROUNDS** set out in Article 119 of the National Sporting Code namely:

(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 interests of motorsport generally and the administration thereof by MotorSport NZ.**

The Sub Committee should investigate and ascertain whether the conduct of any named party during the Targa Bambina Tour event at Rotorua on 14-17 May 2015 has, by their actions, breached any MotorSport New Zealand rules and/or brought the Sport into disrepute.

The Sub Committee should investigate the actions of the named parties and any other officials involved in this matter during the Targa Bambina Tour event at Rotorua on 14-17 May 2015.

(2) **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 penalty was inappropriate.**

The Sub Committee should investigate and ascertain whether the penalty imposed by the Stewards in Decision 1 was valid, adequate and appropriate.

(3) **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 either been a gross miscarriage of justice or such inquiry is considered fundamental to the interests of motorsport:**

The Sub Committee should investigate and ascertain whether the member club as the Organiser of the event has committed a breach of the MotorSport New Zealand National Sporting Code, including, but not limited to, NSC Articles 21 and 25.

- (4) **119(a)(v)**  
**That it appears any Official, Promoter, Organiser or any person or Organisation has been guilty of any breach of this Code, its Appendices and Schedules, or International Sporting Code.**

The Sub Committee should investigate and ascertain if the actions of any named party has committed a breach of the National Sporting Code or its Appendices or Schedules including but not limited to NSC 94 (b), NSC 94 (c) or NSC 94 (e).

- (5) **119(a)(vi)**  
**That it appears any Official, Promoter, Organiser or any person or Organisation has been guilty of any act or omission prejudicial to the interest of MotorSport NZ or any competition or of motorsport generally.**

The Sub Committee should investigate and ascertain if the actions of any named party were prejudicial to the interest of MotorSport NZ or of motorsport generally.

### **FURTHER INFORMATION**

The Sub Committee was tasked to investigate the circumstances surrounding:

- (a) Whether Mr Christian's entry was accepted and that he had a right to participate in the event, or  
(b) That the organiser breached the NSC by declining the entry when he did.  
(c) Whether the Stewards were entitled to reach the decisions they did and whether it was in compliance with the NSC

### **HEARING**

The Hearing took place on Sunday 19 July 2015 at the Novatel, Auckland International Airport at 11.30 am, and was conducted in accordance with National Sporting Code (NSC) Article 120.

All parties were present except Mr Ray Bartlett who provided a written statement.

Submissions were presented by Messrs Peter Martin, Grahame Christian and Peter Sergent.

### **FINDINGS**

- (a) That the Stewards, in accepting and hearing the protest, acted outside their authority in that the protest was inadmissible under NSC 113 (f).  
(b) That while the Organiser has the discretion to refuse any entry, NSC 25 (2) (a) requires notification no later than three working days before the Meeting or Event. This was not complied with. The participation of Mr Christian in the tour was accordingly deemed valid.  
(c) The issue of the balance of the entry fee was overlooked at the time by both parties, and as such was not a determinant in the decisions reached.  
(d) That the balance of the entry fee remains due and payable in accordance with NSC 35 (b).

### **RULING**

- (a) That the Stewards' Decision No. 1 be set aside.  
(b) That the balance of the entry fee be paid within seven days of the written notification of this decision.

### **COST**

Costs shall lie where they fall.

**DECISION**

Delivered orally at 1.30 pm on 19 July 2015 at Boardroom 3, Novotel Auckland International Airport.

Written decision delivered by email at 0900 on 22 July 2015.

**RIGHT OF APPEAL**

The parties are reminded of the right of appeal in accordance with Part XI of the National Sporting Code.

Signed on behalf of the Subcommittee.

A handwritten signature in black ink, appearing to read 'Wayne Scott', written in a cursive style.

Wayne Scott  
**Chairman**