

Decision of a Sub-Committee appointed by the Executive Committee under Article 119 of the National Sporting Code, namely –

- Mr Graeme Robertson (Chair)
- Mr Paul Kendrick
- Mrs Janet Phipps

The Parties

Mr Paul Collins (MotorSport NZ Licence 130336X), Driver Car #707

Mr Graham Browne (MotorSport NZ Licence 106133X), Driver Car #666

Mr Mark Christensen (MotorSport NZ Licence 127160X), Co-Driver Car #666

Mr James Logan (MotorSport NZ Licence 936882Y), Clerk of the Course

Mr Bill Bawn, representing MotorSport New Zealand

In the Matter of

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 party in the 2014 Targa NZ rally has, by their actions, brought the Sport into disrepute.

(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 if the penalty imposed on the Driver of Car 707 was adequate and appropriate.

(3) 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 party breached the National Sporting Code or its Appendices or Schedules.

(4) 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 party was prejudicial

Inquiry Details

The inquiry took place by meeting at Boardroom 3, Novatel, Auckland International Airport on Wednesday, 11 February 2015 commencing at 7:00pm. Mr Collins was not in attendance and had submitted a statement.

Background

The Sub Committee is tasked to investigate the circumstances surrounding the assault on the Co-Driver of Car 666, whether the penalty applied to the driver of Car 707 by the Clerk of the Course was appropriate, and whether any competitor by their actions acted in any way prejudicial to the interest of MotorSport NZ or automobile sport generally or brought MotorSport NZ or automobile sport generally into disrepute.

If, in the course of this investigation, the Sub Committee concludes a hearing of any nature should be held, they are empowered to undertake that hearing.

Inquiry

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

The Sub-Committee heard submissions from

Mr Bawn who backgrounded the case and confirmed that the decision to hold an inquiry was made by MSNZ Management Committee. He also provided a MSNZ medical assessment form which reports that Mr Christensen had received a blood nose and top lip swelling as a result of an assault "from a fellow competitor in car 707".

Mr Browne who explained the in-stage contact and Mr Collins's attack on Mr Christensen. He confirmed that the incident was unprovoked and took place outside a school where children and a teacher witnessed it. He further explained that Mr Collins had also assaulted him and he had to take defensive action. He also said that he had video evidence but was not able to produce it.

Mr Christensen who confirmed Mr Collins actions and that the attack was without warning. He was treated by the event medical team. He confirmed he sort further medical checks that evening. The doctor concerned advised him to "take it easy for next couple of days." He confirmed that he did not seek any further medical attention. He also advised that he had lodged a complaint with Queenstown Police but later withdrew it.

Mr Logan outlined the discipline hearing he conducted. He confirmed that Mr Browne did not attend and there appeared to be some confusion regarding Browne's notification. His hearing went ahead with only Mr Collins in attendance. Mr Logan confirmed that had he had Browne and Christensen's evidence he would have treated the matter with more seriousness.

Finding

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

(1) 119(a)(ii)

The Sub Committee should investigate and ascertain whether the conduct of any party in the 2014 Targa NZ rally has, by their actions, brought the Sport into disrepute.

The Sub-Committee is not able to investigate and ascertain the conduct of “any” party in 2014 Targa NZ Rally but only those parties to this Inquiry.

The Sub-Committee believe that Mr Collins has acted in a manner that must be considered inappropriate and therefore brought the Sport into disrepute.

(2) 119(a)(iii)

The Sub Committee should investigate and ascertain if the penalty imposed on the Driver of Car 707 was adequate and appropriate.

The penalty imposed on the Driver of Car 707 is appropriate but inadequate.

(3) 119(a)(v)

The Sub Committee should investigate and ascertain if the actions of any party breached the National Sporting Code or its Appendices or Schedules.

Mr Collins, in his statement, acknowledged that his actions were “unwise and inappropriate”. This must be considered a breach of NSC 94 (e).

Mr Browne admitted to contact with Mr Collins’s car which is a breach of NSC 94 (d)

(4) 119(a)(vi)

The Sub Committee should investigate and ascertain if the actions of any party was prejudicial

The Sub-Committee considered the action of Mr Collins to be prejudicial to the interests of MotorSport NZ and motorsport in general.

Decision

Taking account of all the factors put before it the Sub-Committee has DETERMINED:

1. Clerk of the Course Decision 2 - PAUL COLLINS is inadequate and requires alteration. He is now:
 - a. Fined \$1000
 - b. His competition licence is suspended for 12months until 11 February 2016.
2. Clerk of the Course Decision 3 - GRAHAM BROWNE is confirmed as being appropriate.

The Sub-Committee was unanimous in making its decision.

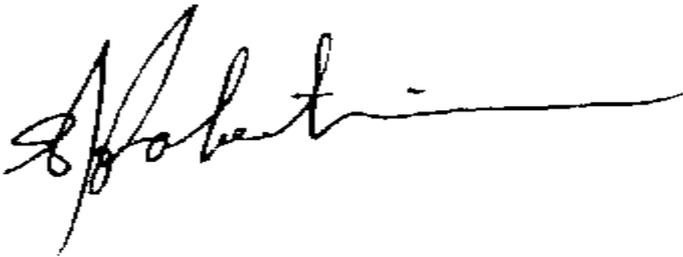
This decision was emailed to all parties at 8am, 12 February 2015.

Comments

The Sub-Committee raised the following comments:

- I. Disappointment that all parties were not present.
 - a. Recommend in future that a suitably acceptable date for all “parties” be established when arranging a hearing.
- II. All relevant papers relating to the hearing be attached to the formal notification.
 - a. The medical assessment report was a critical paper and it would have been helpful to be aware of it earlier.

On behalf of the Sub-Committee

A handwritten signature in black ink, appearing to read 'G Robertson', with a long horizontal flourish extending to the right.

Graeme Robertson
Chairman

Right of Appeal

Attention is drawn to the right of appeal in accordance with the provisions of the National Sporting Code.