



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

- **Graeme Robertson (Chair)**
- **Janet Phipps**
- **Dale Crossley**

In the Matter of

An investigation into the actions of Clerk of the Course, Bob Friend, when dealing with a race inquiry lodged by Oliver Shepherd at Legends of Speed Meeting at Hampton Downs on 24 March 2013.

Hearing authority

National Sporting Code, Article 118

Without affecting in any way the right of any Office Bearer, Member Club, Associate Member, Official, Entrant or Competitor as to protest or appeal under this Code, MotorSport NZ may within 90 days of the conclusion of a Meeting or Event, in accordance with Article 119 of this Code, convene a hearing to inquire into the conduct of the Meeting or Event or any other matter.

Background

The Executive Committee, required the Sub Committee to

- (a) Investigate whether the decision, relating to the Race Inquiry submitted by Mr Shepherd during the Legends of Speed Meeting at Hampton Downs on 24 March 2013, was correct and that the penalty (or lack of) was appropriate. (NSC, Article 119 (a), (iii)), and
- (b) Investigate and ascertain whether there has been a miscarriage of justice with respect to Mr Shepherd's Race Inquiry, submitted during the Legends of Speed Meeting at Hampton Downs on 24 March 2013, in that a Clerk of the Course Hearing should have been conducted (NSC, Article 119 (a) (iv)), and
- (c) Conduct a hearing of any nature that should have been held, and
- (d) Impose any penalties identified.

Hearing details

The hearing took place on Saturday 15 June 2013 in Auckland (Boardroom 6, Novatel Hotel, Auckland International Airport) commencing at noon. The participants being the Subcommittee members, Oliver Shepherd (Competitor), Bob Friend (Clerk of the Course), Ben Aro (Competitor Relations Officer), Bill Bawn (MotorSport NZ), Geoff Guenole (Competitor).

Gene Rollinson (Competitor) had notified that he was not able to attend.

Hearing

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

The Sub Committee had been provided with Mr Shepherd's hearing request and a copy of his race inquiry form.

Mr Bawn outlined the details of the complaint and notice of hearing.

Statements were given by Mr Shepherd and Mr Guenole. An email from Gene Rollinson was tabled.

The film from #99 John Thomson and a statement from Ross Thurston relating to it were also considered.

Questions were undertaken by all parties include the Sub Committee,

Finding

From the statements and evidence given the Subcommittee have reached the following findings:

1. There were factual errors in Mr Shepherds request for an inquiry, e.g. lodgement of protest (was an inquiry), and CRO conducting hearing (was Clerk of the Course). These were corrected during this hearing
2. Mr Friend when conducting his hearing considered, report from Flag Chief, report from Race Control, reviewed film from #99, interviewed both #222 Mr Shepherd and #100 Mr Rollinson.
3. Mr Friend admitted that he had not seen the full extent of #99 film. He had only seen the point of contact and not the lead up. This was confirmed by Mr Aro.
4. There was some confusion between Mr Aro and Mr Shepherd regarding advice about procedures for lodgement of protest.

Summary of findings

Taking account of all the findings the Sub Committee CONCLUDES:

1. Mr Friend conducted an appropriate hearing into the inquiry.
2. Mr Friend failed when not viewing the lead up to contact between #100 and #222.
3. There is clear evidence of contact between #100 and #222.
4. The contact is a breach of Code of Driving Conduct (Schedule Z, Article 12.1).
5. The contact is not considered deliberate.
6. The matter should have been satisfactorily resolved by lodgement of a protest at the meeting.

Decision

Taking account of all the factors put before the Sub Committee it DETERMINES that:

1. Penalty A4Z.4 is to apply to Mr Rollinson. (NSC 120 (e) applies)
 - \$100 fine
 - 35seconds added to Race 36 time

Right of Appeal

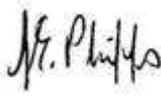
The parties are reminded of the right of appeal to the National Court of Appeal in accordance with Part XI of the National Sporting Code.

This decision was given verbally at 1245hrs and subsequently by email to all parties at 1540hrs on Sunday 16 June.

Mr Shepherd advised on 15 June that he did not intend to appeal.



Graeme Robertson
Chairman



Janet Phipps
Member



Dale Crossley
Member