

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

- Wayne Christie (Chair)
- Raymond Bennett
- Murray Starnes

The Parties

Mr Brendon Leitch, Competitor #88
Mr Neil Alberico, Competitor #42
Mr Graeme Robertson (Official Licence 818221), Race Director
Mr Brian Budd, representing MotorSport New Zealand

In the Matter of

1. 119(a)(iii)
An investigation to ascertain if Decision RDT8, issued at Round 2 of the Toyota Racing Series Championship at Timaru International Motor Raceway 17-19 January 2014, was valid and in compliance with the regulations, and that the penalty applied was appropriate.
2. 119(a)(iv)
An investigation to ascertain if the ruling by the Race Director in Decision RDT8 was correct and that the penalty applied was appropriate.

Inquiry Details

The inquiry took place by meeting at Manfeild Autocourse on Friday, 7 February 2014 commencing at 4:10pm. All parties were present apart from Mr Alberico who was represented by Mr Garry Orton. Also present was TRS Driving Standards Observer Mr Sam McNeill and Driving Standards Observer Mr Bob Cullinane.

Background

The Sub Committee was tasked to investigate the circumstances surrounding a ruling regarding an on-track incident involving Mr Leitch and Mr Alberico, which resulted in a post race Pit Lane Drive Through penalty being issued to Mr Alberico.

If, in the course of this investigation, the Sub Committee concludes a hearing of any nature should have been held, they were empowered to undertake that hearing in the interests of natural justice.

The Sub Committee may also consider the wider implications of any such actions to the Sport as a whole.

Inquiry

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

The Sub-Committee heard submissions from Messrs Leitch, Orton, Robertson and McNeill.

It was submitted by Leitch that on entry to turn one he had braked early in conceding track position to another competitor and subsequently was hit from behind by Mr Aberico. He contended that in his opinion the contact was not sufficient to cause him to spin, rather the spin was caused by him making an error and running over the kerbing.

Mr Orton concurred with Mr Leitch's comments and stated that there was no dispute the contact had occurred and that it was Mr Alberico's opinion that the contact was not sufficient to cause Mr Leitch to spin.

Mr McNeill advised that the incident was placed under investigation immediately and stated that the incident was an identical situation to another incident in an earlier race and that a Pit Lane Drive Through penalty was issued as per the previous race. He was asked if the data from the two vehicles had been reviewed as part of the decision process and replied that it was felt there had been no need to do this. He confirmed that the on-board cameras from the two cars and the car following had been reviewed and re-affirmed that the same scenario had been applied in the previous race.

Mr Robertson commented that the officials had been charged to apply rulings in a consistent manner and this had been the case in this instance. He mentioned that it was very difficult to determine what is a racing incident and that in accordance with Sch CH no other penalty could be applied.

The Sub Committee then viewed the on-board camera from Mr Alberico's car.

Finding

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

1. 119(a)(iii)
 - There was contact on the rear of car 88 by car 42 on the approach to turn one.
 - Car 88 ran over the curb on the inside of turn one and spun.
 - The incident was placed under investigation and reviewed post race using the on-board cameras from three cars.
 - Decision RDT8 found Mr Alberico at fault and imposed penalty CH 40.16 (Pit Lane Drive Through and 3 licence demerit points).
2. 119(a)(iv)
 - The Sub Committee accepts that Mr Leitch braked early for the corner as evidenced by the comparative speed of other cars around him.
 - By braking early he contributed to the contact from behind by Mr Alberico.
 - The early braking was not deemed to be malicious.
 - Therefore Mr Alberico is deemed to be not at fault.

Decision

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

1. 119(a)(iii)
 - The Decision RDT8 issued Round 2 of the Toyota Racing Series Championship at Timaru International Motor Raceway 17-19 January 2014, was valid and in compliance with the regulations, and that the penalty applied was appropriate.
2. 119(a)(iv)
 - The ruling by the Race Director in Decision RDT8 was incorrect but only due to evidence supplied after the fact and that the penalty should not have been applied and is to be reversed.

The Sub-Committee was unanimous in making its decision.

This decision was given verbally at 4:50pm and followed by written notification on 10 February 2014 at 4:30pm.

Comments

1. The Sub Committee recognise that the circumstances behind the granting of this inquiry were most unusual in that the unaffected competitor had requested it.

2. Therefore the Sub Committee do not consider that the inquiry nor its findings create a precedent for future incidents.

On behalf of the Sub Committee



Wayne Christie
Chairman

Right of Appeal

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