

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

- Wayne Christie (Chair)
- Kelvin Booth
- Wayne Scott

The Parties

Mr Aaron Harris (MotorSport NZ Licence 952113X), Driver Car #26
Mr Daniel Slater (MotorSport NZ Licence 095453X), Driver Car #16
Mr Ian Bowater (MotorSport NZ Licence 922812Y), Clerk of the Course
Mr Brian Budd, representing MotorSport New Zealand

In the Matter of

1. 119(a)(iii)
An investigation to ascertain if Decision 10, issued by the Clerk of the Course of the MG Classic Race Meeting at Manfeild 15-16 November 2014 was valid and in compliance with the regulations, and that any penalty (if applied) was appropriate.
2. 119(a)(v)
An investigation to ascertain if the actions of any official breached the National Sporting Code or its Appendices or Schedules.
3. 119(a)(vi)
An investigation to ascertain if the actions of any party was prejudicial to the interest of competition.

Inquiry Details

The inquiry took place by meeting at Manfeild Park on Saturday, 14 January 2015 commencing at 4:55pm. Mr Rex Harris appeared on behalf of Aaron Harris and Mr Malcolm Glen appeared on behalf of Ian Bowater while Daniel Slater did not attend but provided a written submission to be read by Mr Budd.

The parties present agreed that start time of the Inquiry be brought forward to 4:55pm from the advertised time of 7:30pm and acknowledged and confirmed the replacement of Wade Paterson on the Sub-Committee by Wayne Scott.

Background

The Sub-Committee was tasked to investigate the circumstances surrounding the incident between Harris and Slater on the final turn of the BMW Open race on Saturday and the subsequent Decision 10 issued by the Clerk of the Course.

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 informed the parties that the Inquiry would be treated as a hearing as the nature of the Inquiry required that the matter be re-heard.

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 Glen (on behalf of Bowater), Budd (on behalf of Slater) and Rex Harris (on behalf of Aaron Harris).

Budd outlined that an incident had occurred on the final corner between Harris and Slater where the two competitors were contesting first place in the BMW Open race, Slater had overtaken Harris on the entrance to the final turn before locking a brake and drifting towards the outside of the turn, allowing Harris to move into the gap on the inside, both drivers going side by side through the middle of the turn, with Slater then drifting further to the outside on the exit with his inside wheels running along the outside kerbing, Harris had maintained a narrow racing line throughout the manoeuvre with the vehicles appearing not to have touched at any stage. Slater then moved right to bring his car back inside the confines of the circuit and in doing so made contact with the left rear of Harris' car, causing both cars to make hard contact with the concrete wall on the outside of the main straight resulting in significant damage to both vehicles. A hearing into the incident was held by the Clerk of the Course but Harris was not called, and at the time was being attended to by medical personnel. The decision by the Clerk of the Course (Decision 10) found that Salter's action was contrary to Appendix Four Schedule Z 10.2(2) but ruled that it was a racing incident with no further action required. Not calling Harris to the hearing appeared to be unusual as it did not provide the Clerk of the Course with the opportunity to hear the full story from both parties while the ruling on Decision 10 appeared to be contrary to the finding.

Glen, reading a statement from Bowater, explained that the Clerk of the Course deemed the accident to be a racing incident because he could not be 100% sure which party caused the accident. He had since seen a video that in his mind maybe Harris was to blame by forcing Slater wide. He confirmed that when the hearing was held Harris was receiving medical assistance and was unable to attend.

Budd, reading a statement from Slater, explained that he locked the rear wheels coming into the last corner of the race track, which caused him to run high, resulting in slower than normal car speed when turning down to the apex and exiting the corner. He knew that Harris would be cornering faster and would be passing underneath him and made an effort to drift up the track in order to provide more racing room. He stated that Harris did not show him the same courtesy once alongside and pushed him further to the outside of the circuit, holding him out and aiming him towards the end of the front straight wall, leaving him no option but to turn away resulting in contact and serious damage to both cars. He referred to video footage from Harris' car where at 19.42 through the video Harris was heard to say "I probably should of umm given him more room", indicating to Slater that this incident could have been avoided. Slater was of the opinion that the incident should not have been deemed as a racing incident as the situation was avoidable if Harris had provided the same courtesy he had been given. Slater provided a written statement from competitor Rob Berggren who was immediately behind the two competitors supporting Slater's version of events.

Rex Harris provided a series of photographs taken from various video sources and other correspondence and explained Harris' version of how the events unfolded, which corresponded with the events as explained by Budd. Particularly telling were photographs that clearly showed Harris had left sufficient room of at least a car width for Slater to move his car fully within the edge of the circuit and at the point of contact Slater's car was approximately one metre inside the edge.

The Sub-Committee had also viewed video footage from the vehicles of Slater and Harris as well as two other cameras operating from various positions along the pit wall.

Finding

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

- That competitor Daniel Slater was in breach of Appendix Four Schedule Z Article 12.1 by causing an avoidable accident;

- That the Clerk of the Course Decision 10 ruling that “This was a Race incident and no further action required” was illogical given the finding that a breach (Appendix Four Schedule Z Article 10.2(2)) had occurred;
- That competitor Aaron Harris was not accorded an opportunity to participate in the hearing leading to the Clerk of the Course Decision 10;
- That the Clerk of the Course did not carry out the duties required.

Decision

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

- That the Clerk of the Course Decision 10 dated 15 November 2014 concerning competitor Daniel Slater be set aside;
- That competitor Daniel Slater be fined \$250, excluded from race 10 and have his licence (095453X) endorsed for three months from 15 February 2015;
- That the Clerk of the Course licence (922812Y) of Ian Bowater be downgraded from Gold to Silver for a period of six months from 15 February 2015.

The Sub-Committee was unanimous in making its decision.

This decision was given by written notification on 19 February 2015 at 9:00am.

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.