



DECISION IN RESPECT OF A SUB-COMMITTEE APPOINTED BY THE EXECUTIVE COMMITTEE OF **MOTORSPORT NEW ZEALAND, NAMELY:**

- **Mr Shayne Harris (Chair)**
- **Mr Raymond Bennett**
- **Mr Wayne Christie**

Parties to the hearing:

Mr Graeme Robertson – Event Director
Mr Paul Manuell – Competitor
Mr Clark Proctor – Competitor
Mr John Wheelan – Competitor

The notice of hearing was sent to all parties and required the committee to investigate into two specific issues;

- (1) Under section 119 (a) (i) NSC
“ The Sub Committee should investigate whether the results of Race 8 of the hamsta 200 Premier Championship Meeting held on 24 January 2010 being Round 4 of the V8 Touring Cars Championship, has been incorrectly made out in respect of Messrs Manuell, Proctor and Whelan”.
- (2) Under section 119 (a) (iv) NSC
“ The Sub Committee should investigate whether the results of Race 8 of the hamsta 200 Premier Championship Meeting held on 24 January 2010 being Round 4 of the V8 Touring Cars Championship, was in accordance with the provisions of Article 23 of Schedule CH”.

Under the “FURTHER INFORMATION” provisions of the notice the Sub Committee was also tasked to “ review the rules pertaining to the control line in the pit lane, its position at all circuits to ensure that there can be fair application of the rule for all competitors as per the Stewards recommendations from that meeting. The Sub Committee may also consider the wider implications of any such actions to the Sport as a whole”.

The Sub – Committee is also able to consider the National Sporting Code, its Appendices and various schedules considered relevant to the hearing including any relevant penalties.

The Hearing

The hearing was conducted in accordance with the National Sporting Code (NSC) 120.

The following outlines the parties submissions:

Mr Robertson outlined to the panel what occurred in respect of the build up to the race, the race itself and actions that were taken post the race. All parties agreed to Mr Robertson account, so it is important that this be outlined in the first instance.

- The Race commencement procedures were in accordance with Article 20.4.2 of schedule CH. However at the point in the procedure where the pit exit was closed three cars were caught in the pits and in accordance with that rule were required to start the race from pit lane.

- On the safety car lap leading up to the start of the race and after the safety car had pulled off the track, three cars namely Manuell, Proctor and Whelan left the rolling grid and entered pit lane. Manuell's pit was located at the far end of pit lane after the start/finish line, Proctor and Whelan in the first part of pit lane but in any case before the start/finish line.
- The race started and the cars that were in pit lane were released onto the track after the last car had cleared pit exit.
- On the first lap of the race an incident occurred that caused the race to be red flagged. The race was suspended, at that time almost all competitors choose to come into pit lane.
- The cars in pit lane after completing what ever it was they were doing then lined up at pit exit ready to rejoin the race, the order being determined by first come. The remaining cars on the circuit were lined up in there original grid order.
- The race was recommenced with the safety car leading off those cars on the track, the cars in pit lane were released so as to join on to the back of the train behind the safety car.
- The race ran the distance and the chequered flag was given to denote the end of the race, there is some suggestion that the chequered flag was given to Proctor as opposed to Baird who was the race leader.
- The Event Director then made a number of decisions relevant to the results, and we quote from the Event Directors Memo that was circulated with the Notice of Hearing.

“There was an issue where three cars entered pit lane and did not take the start signal on the track. One (#15 Paul Manual) passed the start finish control line in the pits while the race was still “green” however two (#57 Clark Proctor and #89 John Whelan) did not and passed the line while the race was in red condition.”

‘#57 Proctor was ruled by me as not taking the flag under “green” and was put back a lap. He was in fact given the chequered flag!. #89 Whelan had no action taken because frankly he slipped under the radar. Proctor protested my decision and it was upheld by the Stewards.....”

Mr Manuell in his statement to the panel believed that he should be credited one lap on the grounds that at the time the race was red flagged no one had completed a lap. Then when the race was restarted and he joined the race everyone was therefore on their first lap.

Mr Manuell also raised the point that the cars that came into pit lane once the red flag had been displayed were not permitted to do so, and to then work on the car in pit lane was also not permitted.

Mr Proctor who was also represented by Ido Lelie made a number of points and presented to the panel and the other parties a written submission. We don't intend to replicate the submission in this decision but the points raised in the submission quoted a number of

rules in the National Sporting Code, Schedule CH and Schedule Z which we will deal with later in this decision. But essentially these are:-

Sch CH Article 23
The International Sporting Code (FIA)
Schedule Z 7.6

Mr Wheelan had nothing new to add to what had already been presented but emphasised that he agreed that no cars had completed a lap.

The Issues

For ease of addressing the myriad of issue that have been raised the panel has summarised those and will address each one in turn.

1. The Rules.

The rules governing the V8 Touring Car Championship are defined in Article 1 of Schedule CH and include National Sporting Code, Individual Category Articles and Technical Regulations, Event Supplementary Regulations, Code of fuel practice- Fuel Handling, Event Directors Written Briefing. The Article also specifically states that Schedule CH replaces Schedule Z.

In terms of the points raised in Mr Proctor's submission regarding the International Sporting Code and Schedule Z, we place no relevance on the rules that are quoted in the submission, as for the reasons stated above, they are not rules governing the V8 Touring Car Championship.

2. The Control Line

There are many varying versions regarding the "Control Line". There is no definition of "Control Line", there is only a definition regarding Red Control Line. There is no rule that requires a start line, further there is no rule that says a start line extends into pit lane. Therefore any argument regarding crossing of a control line is irrelevant as there is no such thing. In terms of the control line and the relationship this has with the start procedure is covered below.

3. The Start

Article 20.4.2 Schedule CH defines the procedure leading up to a race start, and it says that after the red lights are extinguished the race starts. The panel take the view that the race starts once the red lights are extinguished. There is no relationship in a race start to any line on the circuit.

However, it is prudent to mention the timing loop, which in the case of Timaru as is the case with most NZ circuits, cuts across pit lane and across the track in the vicinity of the finish line that is painted on the track. So in terms of timing, this commences once the race has started and they cross the loop on the circuit.

It is also important to point out that the panel takes the view that there is only ever one "RACE START". Anything else that happens once the race has started either suspends or concludes that race depending on the applicable rule.

4. Starting from Pit Lane

There is no defined procedure in SCH CH for starting from pit lane. The practise that is employed is that once the last car that has started on the track has cleared pit exit then the cars that are lined up in pit lane are released from pit

lane. The panel is satisfied this procedure was carried out as described above, but even if it wasn't, there is no rule to contravene in any case.

5. The Red Flag

Red flag procedures are governed by Article 23 of SCH CH.

The rule says that among other things, once the red flag is displayed cars must slow down and proceed to the red control line. The rule does not say anything in respect of what happens from that point and is silent on whether cars can enter pit lane or not. However article 23.4 says that if for any reason after a red flag is displayed a car enters pit lane then it must restart the suspended race from pit lane.

The panel takes the view that cars are permitted into pit lane once the red flag is displayed otherwise why would there be a rule on how those cars are managed back into the race.

The panel is satisfied that the red flag procedure was carried out correctly and in accordance with article 23 SCH CH.

6. Race Recommencement.

The procedure for Race Recommencement is defined in Article 23.5. To recap the race was red flagged when the leader was still on lap 1.

How the field is sorted for the recommencing of racing is well defined in that article, in this instance since a lap had not been completed the field is lined up in single file and in the original grid order. (It is not defined as to how the cars in pit lane are lined up, current practice is that cars are lined up in pit lane in the order they arrive to line up).

Once the cars are lined up on the track and clearance is given to commence racing the safety car leads the cars on the track so as to recommence racing. In this instance when the cars on the track were lead off they completed lap 1 and started lap 2 of the race. Once the last car clears pit exit then the cars in pit lane are released on to the back of the field and the race is recommenced as per the article.

In respect of Manuell, Proctor and Whelan, they were trapped in the pits, as the red flag was displayed and pit exit closed which prevented them from joining the race. By the time they were permitted to join the race at the back of the train behind the safety car they were put a lap down by the cars on the track completing lap 1 and commencing lap 2.

7. Timing Loop

The position of the timing loop plays an important part especially in respect of cars starting from pit lane. This is something that needs to be managed by race officials, as it is conceivable a competitor could join a race complete a lap before registering in the timing system.

8. Pit Lane and Parc Ferme conditions

Concern was expressed in the hearing that cars that came into pit lane after the red flag was displayed were worked on by the crews. Two parties claimed that this was in contravention of Article 23.3, which expressly forbids any intervention on the cars unless authorised by the Event Director. The rule does not distinguish between cars on the track or cars in pit lane. One must assume therefore that it applies to both.

There is a case to say that a large portion of the field contravened this rule, however the decision whether to do anything about that was the Event Directors and he choose not to. The panel is of the view that this would be extremely difficult to resolve. And in any case given that the penalty for this contravention is only a monetary one it would have no bearing on the results. This rule needs clarification.

9. The Race Finish

The Event Director and Mr Proctor's team both say that Mr Proctor was given the chequered flag. From the evidence before the panel this appears to be correct. By the time Mr Proctor was given the chequered flag he had effectively unlapped himself albeit by only a few car lengths. This means that at the time of the chequered flag Proctor had completed 11 laps and was about to commence his 12th lap. However he was prevented by doing so as in accordance with article 21.4 the race was finished as he completed lap 11.

10. The Results

The race results as published show Manuell in 5th place and completing 12 laps. They show Whelan in 12th place completing 12 laps and they show Proctor in 21st place completing 11 laps.

As outlined above all three competitors were a lap down when they joined the race, however Proctor unlapped himself but was prevented in completing his 12th lap as the chequered flag ended the race.

The panel believes that the laps completed by Proctor are correct, but the laps credited to Manuell and Whelan are incorrect and should show 11.

11. The Protest

There was only one Protest attached to the notice of Hearing, the panel is aware of another Protest from Proctor in respect of this race but that has not been produced to the panel, nor has the decision in respect of that protest. This is of concern as we believe that Protest is relevant to this inquiry.

The panel is of the view that the Stewards decision attached to the notice of hearing, is not well founded. There is no such thing as a "control line" in Pit Lane. The only line that extends into pit lane is a finish line. Where there is an issue and this need to be looked at in detail is the positioning of the timing loop.

For the purposes of explaining the issues that surround this race the panel has deliberately defined the track as the part of the circuit used for racing as opposed to pit lane. The definition in Schedule CH is unhelpful as that definition takes the track and pit lane into the one definition,

DECISION

The Sub Committee rules the following:

That the results of Race 8 of the hamsta 200 Premier Championship Meeting held on 24 January 2010 at Timaru being Round 4 of the V8 Touring Cars Championship be amended as follows:-

Competitor #15 Paul Manuell be placed behind competitor #57 Clark Proctor and be accredited 11 laps.

Competitor #89 John Whelan be placed behind competitor #15 Paul Manuell and be credited with 11 laps.

That the issue in respect of timing loops and race starts be referred to the Rule Committee for review.

That the component of Article 23.3 in respect of intervention on vehicles during a red flag period be clarified as soon as is practicable.

The Stewards decision ST 6 as appendices to the Notice of Hearing be set aside, there is no requirement to refund the protest fee as this was returned on the day.

This decision being issued by:

Shayne Harris

Raymond Bennett

Wayne Christie

At: _____ On _____ 2010