

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

- Wayne Christie (Chair)
- Noel Atley
- Roger Laird

The Parties

Mr Graeme Robertson (Official Licence 818221Y), Event Director
Mr Brian Budd, representing MotorSport New Zealand

In the Matter of

1. 119(a)(v)

An investigation to ascertain if the actions of the Event Director breached the National Sporting Code or its Appendices or Schedules.

Inquiry Details

The inquiry took place by meeting at Teretonga Park on Friday, 23 January 2015 commencing at 6:30pm. All parties were present.

Background

The Sub-Committee was tasked to investigate the circumstances surrounding the issue and subsequent cancellation of the Event Director's decisions ED6 and ED7 at Mike Pero MotorSport Park 16-18 January 2015 and if the Event Director acted beyond the powers conferred on him by the National Sporting Code, the Sanctioned Articles of the Series, or the Event Supplementary Regulations.

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 Budd and Robertson.

Mr Budd outlined that Mr Robertson had issued decisions ED6 & ED7 against competitors Ferdinand Habsburg and Lance Stroll respectively following race 14 where the competitors were judged to have breached Schedule CH 24.3(2) by weaving after the Safety Car lights had been switched off. This had been investigated during the race and subsequently confirmed by video evidence. Following enquiry by the race teams the decisions were rescinded by Mr Robertson in his capacity as Event Director.

Mr Robertson explained that the decisions were issued following investigation and confirmation that the competitors had been weaving after the Safety Car lights had been extinguished on the exit of turn 4. He explained that the Safety Car lights had not been turned off in accordance with CH 24.3(1) which required that they be turned off approximately three turns prior to the start/finish line and had been turned off some five turns earlier, and combined with the LED lights used on the safety car being very difficult to see in the bright sunshine, that it was possible the drivers did not realise the Safety car lights had been turned off.

He had started reflecting on the decisions and questioning that because the Safety Car lights had not been turned off in accordance with the requirements of CH 24.3(1) it was unfair to penalise competitors who would have been expecting the lights to be turned off much further around the track. On enquiry by the teams following the decisions being issued Mr Robertson determined that the decisions were indeed unfair. In a moment of forgetfulness he then made the decision to rescind the decisions, without considering that he was required to approach the stewards of the meeting to approve a request to have the decisions rescinded. He agreed that in doing so he had acted beyond his authority.

Mr Robertson requested that the Sub-Committee consider in its deliberations that the although the decisions had been rescinded without the appropriate authority that the decisions should be rescinded and that the Sub-Committee had the authority to do so, if it determined that it was appropriate.

He informed the Sub-Committee that as a result of this incident the race management team had changed its procedures to advise competitors by race radio when the Safety Car lights were extinguished.

Finding

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

1. 119(a)(v)
 - That decisions ED6 & ED7 were issued due to a breach of CH 24.3(2) by the competitors. That the breach had occurred was not disputed.
 - The Safety Car lights were extinguished on the exit of turn 4 which was in breach of CH 24.3(1) which required that the lights be turned off at approximately turn 9.
 - The Sub-Committee accepted that under the circumstances the competitors may not have been aware that the Safety Car lights had been turned off given the difficulty in seeing the lights in bright sunshine and that the lights had been turned off in the wrong place on the track.
 - The Event Director was not authorised to rescind decisions ED6 & ED7, a request should have been submitted to the stewards to have the decisions rescinded. The stewards had the authority to rescind the decisions under NSC 77(j).
 - That the Sub-Committee was empowered under the Inquiry to undertake a hearing to determine if decisions ED6 & ED7 should be rescinded.

Decision

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

1. 119(a)(v)
 - The Event Director, in rescinding decisions ED6 & ED7, was in breach of his authority and that he be reprimanded and reminded of his obligations under the National Sporting Code.
 - That the rescinding of decisions ED6 & ED7 be ruled invalid and that the original decisions are re-instated.
 - That under the circumstances of the Safety Car lights being turned off in breach of 24.3(1) that in the interests of fairness to all competitors that decisions ED6 & ED7 be rescinded

The Sub-Committee was unanimous in making its decision.

This decision was given verbally at 7:05pm and followed by written notification on 3 February 2015 at 1:40pm.

Comments

1. The Sub-Committee endorsed the process change to advise teams via race radio when the Safety Car lights had been extinguished.

2. It is noted that decision numbers ED6 & ED7 were re-allocated to other decisions following the decision to rescind them. For the avoidance of doubt this Inquiry dealt with the decisions ED6 & ED7 issued against competitors Ferdinand Habsburg and Lance Stroll respectively. The “replacement” decisions ED6 & ED7 are unaffected and stand as they were issued. It is recommended for future occasions that decision numbers are only issued once, whether subsequently rescinded or otherwise, to ensure a clear paper trail.

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.