

**2019 INTERNATIONAL VIRGIN AUSTRALIA SUPERCARS CHAMPIONSHIP – RACE 25
“SUPERCHEAP AUTO BATHURST 1000”**

Mount Panorama Circuit, Bathurst, New South Wales
09th to 13th October 2019

The Stewards, having conducted a post-Race Inquiry and the Deputy Racing Director having thereafter Charged the Competitor, have considered the matter and determine the following.

Competitor	Racing Team (Aust) Pty Ltd
Car # & Driver	Car #12 Fabian Coulthard
Date / Time	11 th October 2019 at approx. 1710hrs
Session	Race 25
Fact	During a Safety Car deployment on Lap 135 and 135 of Race 25, the Competitor directed its Driver to slow down, in doing so Car #12 impeded all Cars behind Car #12.
Rule	Appendix B of the FIA International Sporting Code
Decision	A Fine of AUD \$250,000, \$100,000 of which is suspended until 31 December 2021 on condition that the Competitor commits no further breach of Appendix B of the ISC and no breach of any of Rules B6.5.4,(Conduct Prejudicial) or D24 (Team Orders) of the Supercars Operations Manual prior to that date AND that Car #12 be demoted to finishing position 21 in the classification for Race 25 AND that the loss of 300 points from Virgin Australia Supercars Teams Championship Points.
Reason	See Annexure A

The Competitor is reminded that Penalties that may be subject to Appeal are set out in B7.7.2 and rights to and process for an Appeal are set out in B5.

Issued by the Stewards of the Event:

Dated: Sunday 20 October 2019 at 1000hrs (Brisbane).



Matt Selley (Chair)
Stewards (Supercars)



Chris McMahon



Steve Lisk

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2019 INTERNATIONAL VIRGIN AUSTRALIA SUPERCARS CHAMPIONSHIP – RACE 25 “SUPERCHEAP AUTO BATHURST 1000”

Mount Panorama Circuit, Bathurst, New South Wales
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IN THE MATTER OF A CHARGE OF A BREACH OF APPENDIX B OF THE ISC BY RACING TEAM (AUST) PTY LTD

Introduction

The Virgin Australia Supercars Championship (VSC) is an *International Series* which features on the *International Calendar* of the Federation International De L'Automobile (FIA), the governing body of world motorsport.

Each race on the VSC calendar is an *International Competition* within the meaning of the 2009 FIA International Sporting Code (ISC) and each Event is conducted under the ISC and the 2019 Supercars Operation Manual (**Manual**) which together represent the Rules under which each Supercars Race is conducted.

Race 25 of the 2019 VSC, the "Supercheap Auto Bathurst 1000", is the premier endurance round of the Championship. The Bathurst 1000, colloquially known as "*The Great Race*", is widely regarded as the pinnacle of motorsport in Australia. It is steeped in history and the Supercars Bathurst 1000 is the legacy of a race at the challenging Mt Panorama Circuit which has been run every year since 1963.

The Race has been a round of the Supercars Championship for many years. Crowd attendance generally exceeds 200,000. The race is broadcast internationally. Australian television audience numbers are in the order of 2.5 million. The race generates significant betting revenue.

The following propositions are trite for those who follow Supercars racing, indeed most circuit racing, but we include them for the benefit of those not so familiar:

1. Safety Car interventions are commonplace in Supercars races but particularly so in endurance races;
2. Each Supercars Team employs a complex set of fluid strategies for the Race including when each Car might ideally pit to take on fuel, change tyres and change Drivers. These strategies in part reflect predictions as to the frequency and timing of Safety Car interventions during the Race;
3. Pit Stops take time, not only the time that is required to change wheels and take on fuel, but the time that is required to traverse the Pit Lane while not exceeding the Pit Lane speed limit of 40kph. Pitting the Car will therefore mean that the Car will have lost track position when it re-enters the circuit unless other Cars have also taken the opportunity to pit at the same time;
4. Because Cars are required to slow when a Safety Car deployment is announced, and will have to travel even slower when they are behind the Safety Car (which can circulate at a speed as low as only 60kph), a Team will mitigate any loss of track position if it pits a Car during a Safety Car deployment;

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5. Therefore, it is commonplace for Teams to bring Cars into the pits immediately after a Safety Car intervention is announced. So much so that Teams that have two Cars entered will elect to bring both Cars in even though this may result in a "double stack" whereby the second of their Cars into the Pit Lane has to sit waiting until the first Car has completed its pit stop.
6. The predictable frequency of Safety Car interventions increases in the later laps of the Bathurst 1000 for a number of reasons, including Driver fatigue and an increased likelihood of a lapse in concentration, tyre wear, the build-up of balled rubber off the racing line, enhanced battles for track position within groups of Cars, the increased prospect of a mechanical failure and potential weather changes. Teams will typically devise a pit stop strategy which assumes at least one Safety Car intervention in the last thirty or so laps of the Race.
7. The more fuel that is taken on in a Pit Stop, the longer a Pit Stop takes. Therefore, provided a Car has taken on its minimum required fuel drop, a Team will be anxious to ensure that the fuel load of its Cars is kept to an absolute minimum.
8. Each Team communicates with the Drivers of their Cars via Team Radio. Typically, the representative of the Team communicating with the Driver is the Engineer assigned to that Driver and their Car.
9. Team to Car Radio communications are recorded by Supercars. They are an open-channel and can also be monitored by other Teams. Invariably, a Team will monitor the Team Radio communications between another Team and its Drivers to gain insight into the Race strategy being used by that other Team. Further, Teams will monitor the pit stops of other Teams and gauge how much fuel other Cars have taken on so that they have an understanding of when the other Teams' Cars may need to pit, or whether they need to pit at all given the fuel load of those Cars at that point in the Race.

Context

On Lap 134 of Race 25 the Race Director (**RD**) called a Safety Car intervention after Car #27 failed to negotiate Turn 23 and became beached in the sand trap at the exit of Turn 23. For clarity, Turn 23 is the last turn on the circuit and the Pit Lane entry road is prior to that Turn. There had been no other Car involved in the Incident at Turn 23 involving Car #27 and no debris of any kind had been left on the circuit in the vicinity of Turn 23.

Rule D10.2.2.3 of the Manual is in the following terms:

"When notified of the SC [Safety Car] intervention (by flag signals and SC Boards), all Drivers will...maintain a maximum distance of 5 Car lengths from the Car in front."

Rule D10.2.1 provides that upon the deployment of the Safety Car all flag posts will display a waved Yellow Flag, together with the SC Board. Article 4.2 of Schedule B3 in the Manual prohibits overtaking when the Yellow Flag is displayed.

When the RD announced the Safety Car intervention over the Race Management Channel (RMC) on Lap 134 and, the notification appeared on the timing screen and the Yellow Flags and SC boards were displayed, Car # 888, Whincup/Lowndes, was leading the Race, Car #17, McLaughlin/Premat, was in second place, Car #12, Coulthard/D'Alberto was in third place and Car #97, Van Gisbergen/Tander, was in fourth place. The distance between Cars #17 and #12 was at that time in the order of 5 Car lengths. Cars #17 and #12 are Cars entered by one Competitor and Team – Racing Team (Aust) Pty Ltd (**DJRTP**).

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When the Incident involving Car #27 occurred at Turn 23, Cars #17 and #12 were in the vicinity of Turn 6 and the Judicial Camera footage from Car #12 reveals the Yellow Flag and SC board clearly displayed at the flag point at Turn 6.

Both Cars #17 and #12 pitted during this Safety Car intervention. However, despite the fact that the time interval between Car #17 and #12 when the Safety Car intervention was announced was only in the order of 1 second, by the time Car #12 entered Pit Lane to take its Pit Stop, that time interval had increased to 47 seconds and the physical gap between it and Car #12 had blown out to in the order of one kilometre. This was because the Driver of Car #12 slowed very significantly upon the commencement of the Safety Car intervention in comparison to Car #17. Broadcast footage showed Car #12 travelling for some distance at an extraordinarily slow pace with the remaining 20 or so Cars in the field all "banked up" in close procession behind it, none of the Drivers of those Cars being permitted to overtake Car #12 by virtue of the Yellow Flag Rule.

By travelling at such a slow pace and thereby creating a significant time gap between Car #17 and Car #12, DJRTP avoided what would otherwise have been a "double stack" of its two Cars in the Pit Lane, and every Car behind Car #12 was either delayed in entering Pit Lane and commencing its own Pit Stop or, if it did not need to pit, was delayed in getting around the circuit to the Pit Exit merge point before Car #17 exited Pit Lane upon the completion of its Pit Stop.

By failing to keep within 5 Car lengths of Car #17 after the Safety Car intervention commenced, the Driver of Car #12 breached Rule D10.2.2.3 and during the Race the Stewards imposed a Pit Lane Drive Through Penalty on Car #12 for that breach which was later served during the Race.

The Post-Race Stewards' Inquiry

After they had imposed the Pit Lane Drive Through Penalty on Car #12, the Stewards, who monitor broadcast footage, saw and heard an interview by a Supercars media commentator of the Authorised Representative of DJRTP during which the Authorised Representative was asked why Car #12 had been traveling so slowly during the Safety Car intervention and whether that was part of a "plan". Whilst not admitting to a "plan" the Authorised Representative's response to this query seemed evasive and caused the Stewards to suspect that the Driver of Car #12 had been directed by the Team to drive slowly to create a gap sufficient to yield an unfair advantage for both of its Cars.

After conferring with the Deputy Race Director (**DRD**) and the Driving Standards Advisor (**DSA**), the Stewards determined that following the Race they would conduct an Inquiry to attempt to ascertain the reasons why Car #12 had driven so slowly and whether that was a consequence of a direction by a representative of DJRTP that amounted to a breach of the Rules.

Despite having drawn a Summons to require the Authorised Representative of DJRTP, the Driver of Car #12 and Car #12's Engineer to appear at the Inquiry, the Summons was not issued until 1930 hrs on Sunday 13 October 2019 whilst the Stewards made further enquiries, reviewed broadcast and in Car footage from Car #12, telemetry data from Car #12 and obtained a recording of the Team Radio communications between the Driver of Car #12 and Car #12's Engineer.

The Summons issued to DJRTP explained that the Inquiry had been commissioned to investigate whether DJRTP had breached Rule D24 of the Manual.

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Rule D24 is in the following terms:

"D24.1 Team Orders

24.1.1 means an instruction to a Driver or Team member, either verbal or otherwise the effect of which may interfere with a race result.

24.1.2 it is not permitted for any sponsor, supplier, entity or related entity, including an automobile manufacturer, importer or their representative to impose or seek to impose Team orders, on any Team."

Rule D24, albeit in slightly different terms, has been considered previously although, to our knowledge, no breach of it has yet been established.

Its terms are unclear. On one view, sub rule 24.1.1 is an interpretation provision defining what amounts to a "Team order" and sub rule 24.1.2 provides for the circumstances in which a breach is manifested. On one interpretation of sub rule 24.1.2, a Team order does not breach the Rule unless it is imposed on a Team by a third party having some association with the Team. In other words, the breach is committed by someone associated with the Team rather than the Team itself. If that is what is intended by the Rule, it seems perverse given that a person or entity associated with but not the Team itself is not subject to the Rules and the Stewards have no power to Summons or impose any Penalty on them. The syntax of sub rule D24.1.2 is also confusing because of the inclusion of the comma before the words "on the Team" for reasons which are not obvious.

Given the vagaries of Rule D24 and that the evidence then available to the Stewards was insufficient to establish:

- that there had been an unequivocal instruction given to the Driver of Car #12 to drive slowly;
- what the terms, purpose and effect of any such instruction had been;
- whether the Driver of Car #12 had complied with that instruction or had been travelling slowly for another reason;
- whether someone other than a DJRTP Team representative had imposed on the Team a requirement to give the instruction to the Driver of Car #12 and who that might have been,

the Stewards opened the Inquiry and examined each of the Authorised Representatives of DJRTP, the Engineer of Car #12 and the Driver of Car #12 in that order.

For the reasons discussed below, having taken that evidence the Stewards were satisfied that there were reasonable grounds to suspect that:

1. someone within DJRTP's garage or in communication with personnel in that garage, whether a representative of DJRTP or someone affiliated with DJRTP, had conceived of a strategy that Car #12's Engineer would give a direction to the Driver of Car #12 to slow for the purposes of creating an unjustified gap between Car #17 and #12 to avoid a double stack of those two Cars in Pit Lane, but possibly also to ensure that Car #17 completed its pit stop and exited Pit Lane before any Car behind Car #12 reached Pit Exit thereby giving Car #17 an unfair advantage to secure a track position that it would not have enjoyed but for the delay created by that gap;
2. Car #12's Engineer gave a direction to the Driver of Car #12 to slow for a contrived reason that there was debris on the circuit and that the Driver of Car #12 would be in danger or that Car #12 would be damaged if the Driver of Car #12 did not slow significantly;

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3. the Driver of Car #12 was complicit in complying with the direction even after it must have been clear to the Driver of Car #12 that there was no debris on the circuit and there was no other reason why he ought to have been travelling so slowly; and
4. DJRTP Team personnel knew that by giving the direction and it being complied with, they were obtaining an unfair advantage and that the race result might therefore be interfered with.

Consequently, and respecting that the Team had sought an opportunity to present evidence which was not available to them at the time, the Stewards recommended to the DRD that DJRTP be formally charged with a breach of Rule D24 and determined to close the Inquiry and arrange to hear the Charge before the next round of the Championship.

On the morning on Monday 14 October 2019 the Stewards issued a Judicial Update making a public notification of the fact of the Inquiry and of the Charge.

The Charge

After conferring with the Stewards, the DRD subsequently laid a charge on DJRTP alleging, in lieu of a breach of Rule D24, given its ambiguous terms, a breach of Appendix B to the 2019 ISC (Code of Good Conduct), in particular the Obligation of Fairness.

The Obligation of Fairness in Appendix B to the ISC is in the following terms:

"All FIA Licence-holders and all Participants in International Competitions must not, in any way whatsoever, infringe the principles of fairness in competition, behave in an unsportsmanlike manner or attempt to influence the result of a Competition in a way that is contrary to sporting ethics, in particular within the context of betting on the Competitions registered on the International Sporting Calendar."

DJRTP is, by virtue of the definition in the ISC, a Participant in an FIA International Competition.

A breach of Appendix B to the ISC committed by a Participant is liable to a Penalty applied by the Stewards by virtue of Articles 12.2.1 and 12.2.2 of the ISC.

The Admission to the Breach

DJRTP has admitted that in giving the direction to Car #12 to slow down after the Safety Car intervention was announced on Lap 134, it breached the Obligation of Fairness in Appendix B to the ISC.

DRD's Recommendation on Penalty

The DRD has recommended to the Stewards a Penalty in the following terms:

1. a Fine in the sum of AUD250,000 of which AUD100,000 be suspended until 31 December 2021 provided that DJRTP commits no further breach of Appendix B of the ISC or any breach of Rule B6.5.4 (Conduct Prejudicial) or D24 (Team Orders) of the Manual prior to that date;
2. that the Provisional Classifications for Race 25 be amended to demote Car #12 to finishing position 21;
3. the Loss of 300 2019 Virgin Australia Supercars Championship Team's Championship Points.

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Acceptance of DRD's Recommendation on Penalty

The Authorised Representative of DJRTP has accepted that a Penalty in the terms recommended by the DRD is not excessive in all the circumstances.

The Evidence

At the outset of the Hearing the Stewards confirmed, without objection from the DRD of DJRTP, that the evidence received by the Stewards in the Inquiry on 13 October 2019 is also evidence for the purposes of this Hearing. Neither party objected to the same Panel of Stewards who had conducted the Inquiry hearing the Charge.

At the outset of the post-Race Inquiry, and the Stewards having explained the nature and purpose of the Inquiry, the Authorised Representative of DJRTP had candidly acknowledged that the Team had directed that the Driver of Car #12 slow after the Safety Car intervention was announced because the Team recognised that it would need to bring both Cars #17 and #12 into Pit Lane during the Safety Car deployment and because Cars #17 and #12 were "line to stern", unless a time interval was created between the two Cars on the circuit, they would have to deal with a "double stack" and Car #12 would be waiting behind Car #17 until Car #17's pit stop had been completed.

That acknowledgement was in itself is a concession of improper conduct on the part of DJRTP. By directing Car #12 to drive slowly, DJRTP sought to obtain an advantage over every other Competitor whose Cars were behind Car #12 because none of those Competitors, unless they also directed their Driver to drive slowly and not comply with 5 Car length rule, would face a double-stack in the Pit Lane were they needing to pit both their Cars.

The Authorised Representative of DJRTP told the Stewards that the Team had been experiencing overheating issues with Car #12. He said that the engine temperatures had been high under green flag conditions, but they had noted that during previous Safety Car deployments in Race 25, the engine temperatures in Car #12 had climbed significantly. He said that he attributed these climbs in temperature to Car #12 having to travel slowly under Safety Car conditions.

Notwithstanding the claim that engine temperatures in Car #12 had been increasing previously when Car #12 had been travelling slowly under Safety Car conditions, the Authorised Representative of DJRTP told the Stewards that, having giving the direction to the Driver of Car #12 to drive slowly upon the commencement of the Safety Car deployment on Lap 134, the engine temperature in Car #12 had gradually dropped. He said that this confirmed to the Team that Car #12 should continue to drive slowly.

The Stewards had examined Supercars telemetry data for Car #12 which does reveal that the engine temperatures in Car #12 were over 110 degrees Celsius in racing conditions and that the temperature did drop during the Lap 134 Safety Car intervention. The Authorised Representative of DJRTP requested an opportunity to present their telemetry for Car #12 referable to earlier Safety Car interventions which the Stewards were told would demonstrate that engine temperatures were increasing when Car #12 was in procession behind the Safety Car. Ultimately DJRTP has not presented that telemetry data but, for the reasons explained below, even were it to support DJRTP's propositions, it would not answer nor even mitigate the breach we are considering.

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In our view, if the potential for increasing engine temperatures was the sole or predominant reason for the direction to the Driver of Car #12 to slow, it is telling that this reason was not mentioned in the Team Radio communications to the Driver of Car #12. Instead, the reason given by Car #12's Engineer over the Team Radio for the direction to slow was because there was debris on the circuit at some unknown location. For the reasons which follow, we are satisfied that this reason was knowingly false and the fact that the Team chose to give the Driver of Car #12 a knowingly false reason to slow reflects a consciousness on the part of the Team that the direction was improper.

As mentioned above, the Stewards had summonsed Car #12's Engineer to the post-Race Inquiry. Car #12's Engineer claimed, initially, that the only reason why he gave a direction to the Driver of Car #12 to slow was because he genuinely believed that there was debris on the circuit which had caused the Safety Car intervention and that he genuinely did not know where the debris was. He denied knowing that the Safety Car deployment had been caused by Car #27 running wide at the exit of Turn 23 which, of course, is past the Pit Entry road. It follows that because the Team always intended that Car #12 would pit, even if Car #27 had left debris on the circuit at Turn 23, it could not in any way have impacted Car #12 because Car #12 would enter Pit Lane before Turn 23.

A peculiar feature of this matter is that in the Team Radio communication from Car #12's Engineer to the Driver of Car #12, the Engineer mispronounced "debris" as "debriss". Further, the Engineer repeatedly said, "We don't know where the incident is" and "They haven't told us where the incident is" and said "We think it's on the mountain [ie. between Turns 2 and 18]". The degree of emphasis and unwarranted repetition in the Engineer's language, coupled with the mispronunciation of the word "debris", and the fact that the assertions made to the Driver were a contrivance, has led us to conclude that the Engineer was speaking to a "script".

The Stewards asked Car #12's Engineer why he believed that there was debris on the circuit which required the Driver of Car #12 to exercise extreme caution and drive slowly when the Engineer claimed that he did not know what had caused the Safety Car intervention, whether there had been an incident on the track, what the nature of that incident was and where on the track it had occurred. The Stewards asked Car #12's Engineer where he thought the debris was and he said that he believed it was "at the elbow [turn 18]". He was asked why he had that belief and he said that he thought he had heard someone else saying that.

We are unable to accept that evidence. In our view, it defies belief that no one in DJRTP's garage knew that the reason why the Safety Car deployment had occurred was because Car #27 was off at Turn 23.

We have come to this conclusion for three reasons:

1. When the RD called the Safety Car intervention, the announcement was made over the RMC which all Teams are obliged to monitor under Rule D21.2.1. The RD specifically said that there was a car off at Turn 23;
2. Secondly, all Teams have a live broadcast feed of the FOX Television coverage of every race in their garage. The live pictures of Car 27 off in the sand trap at the exit of Turn 23 were broadcast within just a few seconds of the incident having occurred and were replayed when the Safety Car intervention commenced;

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3. Although Car #17 has a different Engineer to Car #12's Engineer, it is telling that the Team Radio Communications between Car #17's Engineer and the Driver of Car #17 after the Safety Car intervention commenced there was no suggestion of debris on the circuit and no suggestion that the Driver of Car #17 needed to slow or exercise extreme caution. To the contrary, a recording of the Team Radio communications between Car #17's Engineer and the Driver of Car #17 which was tendered by the DRD revealed that immediately after the Safety Car intervention was announced by the RD over RMC, Car #17's Engineer told the Driver of Car #17 to "push".

The Stewards had also questioned the Driver of Car #12. He was asked why he had driven so slowly and told the Stewards he did so because he had been directed to do so by the Team. He said that he believed that there must have been debris in a blind or dangerous position somewhere on the circuit. He said that he did not know what had caused the Safety Car intervention, and we accept his evidence in that regard because it had occurred behind him. We also have some sympathy for the Driver of Car #12 to a point. We accept that because he was told that there was debris on the circuit, it was not unreasonable for him to have slowed initially, particularly over the mountain where a number of turns are blind. However, the Stewards showed the Driver of Car #12 footage captured by the Judicial Camera from his Car which showed him driving extraordinarily slowly out of Turn 18 and all the way down Conrod Straight where a Driver has a line of sight for hundreds of metres. The Driver of Car #12 acknowledged that he had a clear line of sight at least from that point and that there was no debris to be seen. He was asked whether it had occurred to him that he should not continue to drive so slowly given that he had the majority of the field banked up behind him. He said that he was aware that there were multiple Cars in procession behind him and said that he understood that he was holding those Cars up. He was asked why he continued to do so notwithstanding that there was nothing in his line of sight to justify him to continue to drive so slowly. He said that he was focussing on his Race and complying with the direction of the Team.

At the request of the Stewards, the DRD called the DSA, a very experienced former Supercars Driver and someone who has a good working understanding of the information available to a Team in its pit garage. The DSA told the Stewards that, in his view:

1. It is inconceivable that personnel in DJRTP's garage did not know the reason for the Safety Car intervention and the location of the Incident;
2. While it is true that when a Car in procession behind the Safety Car travelling at only 60 kph in close proximity to the rear of the Car ahead, the engine temperature of the Car may increase because air-flow over the radiator is reduced in these circumstances. However, if a Car is overheating, the best way to reduce engine temperature is to use less throttle, use the highest gear possible, and use speed to maximise air-flow.
3. The suggestion that Car #12 needed to slow to the extent that it did to reduce engine temperature is illogical, particularly when at that point in time the Safety Car was behind Car #12 and had not picked up the leader with the consequence that Car #12 could travel at a much higher speed with nominal throttle and in top gear downhill to reduce engine temperature.
4. Driving at such an extraordinarily slow speed, even with nominal throttle and at high gear will exacerbate overheating problems because the slow pace of the Car will mean reduced air flow over the radiator.

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We accept this evidence. The Stewards asked the Authorised Representative of DJRTP, Car #12's Engineer and the Driver of Car #12 whether they agreed that engine temperatures were reduced in circumstances described by the DSA. They agreed.

Submissions relevant to Penalty

The DRD submitted that the conduct of DJRTP in giving a direction to the Driver of Car #12 to slow unnecessarily at the result of conferring an unfair advantage on DJRTP in the Race. He submitted that the conduct of DJRTP reflects a serious departure from the Obligation of Fairness in the FIA Code of Conduct and that a severe Penalty is warranted.

The highest fine ever imposed on a Competitor for any breach of the Supercars Rules is AUD200,000. That concerned a breach of the testing prohibitions.

The Stewards have no authority to impose a fine in excess of EUR250,000. Further, under Rule B7.7.2 of the Manual, the Stewards have no power to deduct more than 300 Championship Points from a Team or a Driver.

We agreed with the DRD that the conduct of DJRTP demands a severe Penalty, not just because it was intentionally engaged in to give the Team an advantage but because it was done in a way that reflected a calculated attempt to conceal why it was being done.

We do not attribute what occurred to an impulsive ill-considered decision by Car #12's Engineer alone. In our view, the Engineer was merely a conduit through whom a direction conceived by a more senior representative of the Team was implemented. The Authorised Representative told us that he did not give the direction and had no knowledge that it had been given. He told us that he knew that there was no debris on the circuit prior to the Pit Entry because he had seen the FOX broadcast which showed Car #27 at Turn 23. He could not recall if he heard the RD specifically mention the location of the Incident over RMC. He explained that his headset has inputs from RMC, the Race Engineers for both Cars #12 and #17, the Team Manager and the Chief Strategist. He explained that RMC does not have priority in the DJRTP radio network and in the lead up to pit stops he hears multiple communications which often are overlapping. He said that had he heard the communication from Car #12's Engineer to the Driver of Car #12 he would have intervened. He also said that had he known just how big a gap there was between Cars #17 and #12 he would have intervened. He accepted full responsibility for not monitoring the communications closely enough. We were impressed by the Authorised Representative's evidence. We consider him to be credible and we have no reason not to accept his evidence as to his state of mind.

However, we are unable to reach any conclusion other than that someone else in the DJRTM Team conceived of a strategy to give knowingly false information to the Driver of Car #12 to cause Car #12 to slow. The Authorised Representative told us that he had since made enquiries within the Team to attempt to ascertain what had happened and had been assured by the Engineer of Car #12 that he had made an innocent mistake. We reject that suggestion. The Authorised Representative told us that because of the known overheating issues with Car #12 there had been extensive discussion within the Team as to how to deal with its next pit stop and the need to add water to the radiator. He explained that the sole concern for the Team was that with a double stack Car #12 would be sitting in Pit Lane for approximately 20 seconds and the engine temperature would rise to a potentially catastrophic level. He denied that there was any intention to advantage Car #17.

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We are prepared to assume that there was no intention to advantage Car #17, however, it defies belief that the Engineer of Car #12 just happened to have formed a mistaken belief that there was debris at some unknown location on the circuit and that just fortuitously resulted in the very problem anticipated with Car #12 being resolved. We find, and it has been admitted, that in giving the direction to the Driver of Car #12, DJRTP infringed the principles of fairness in competition and behaved in an unsportsmanlike manner. We do not find that there was an attempt to influence the result of the Race but it is difficult to avoid the conclusion that the result was affected to a degree, certainly for Car #12 that would otherwise have re-joined the circuit after its pit stop in a much lower position.

We agree with the DRD that, putting to one side other components of the recommended Penalty, a substantial Fine is called for, not the least as a deterrent to all other Teams from engaging in similar conduct. We are willing to suspend part of that Fine only because we have never had cause to sanction DJRTP for any unsportsmanship type breach in the past, DJRTP co-operated fully with the Stewards Inquiry, has co-operated with the DRD's prosecution of the Charge and has pleaded guilty at the earliest opportunity.

As indicated above, the Stewards have no power to impose a Points Penalty exceeding 300 Championship Points. We impose that maximum Penalty.

We also agree with the amendment of the Classifications to demote Car #12 to the final Classified finishing position of 21st which, will mean a consequent loss of further Teams Championship Points for DJRTP (the Provisional Classifications have Car #12 in 6th position). It will also mean a loss of Championship Points for the Drivers of Car #12. For the reasons explained above, this is not unfair given that the Driver of Car #12 was to a degree complicit in what occurred.

Penalty

We impose a Penalty in the following terms:

1. A Fine in the sum of AUD\$250,000 , \$100,000 of which is suspended until 31 December 2021 on condition that DJRTP commits no breach of Appendix B of the ISC or any breach of Rule B6.5.4 (Conduct Prejudicial) or D24 (Team Orders) of the Manual prior to that date; and
2. Car #12 is demoted to finishing position 21 in the classification for Race 25; and
3. The Loss of 300 2019 Virgin Australia Supercars Championship Team's Championship Points.