

## STEWARDS DECISION

### 2018 VIRGIN AUSTRALIA SUPERCARS CHAMPIONSHIP – RACES 30 & 31

Document

“Coates Hire Newcastle 500”.

**SN07**

Newcastle East Street Circuit.

23 – 25 November 2018.

The Stewards, having received a Stewards Referral & Charge Sheet from the Deputy Race Director, summoned and heard from the Team’s Authorised Representative, have considered the matter and determine the following:

<b>Car No &amp; Driver Competitor</b>	Car #97, Shane van Gisbergen, Triple Eight Race Engineering Pty Ltd
<b>Date / Time</b>	25 November 2018 at 9am.
<b>Session</b>	Race 30
<b>Offence</b>	Breach of Rule D25.6.3.2 of the 2018 Supercars Operations Manual.
<b>Decision</b>	To impose a Post-Race Time Penalty of 25 Seconds (Pit Lane drive through Penalty equivalent) on Car #97, to be added to its Race Time for Race 30.

#### Reasons

At 1945hrs on Saturday 24 November 2018 the Stewards commenced a Hearing into an alleged breach of Rule D25.6.3.2 by Car #97 at its third Pit stop in Race 30.

The DRD presented broadcast footage of the relevant Pit stop and led evidence from the S&TD, David Stuart.

The Respondent was represented by the Team’s Authorised Representative, Mark Dutton. Mr Dutton called Car #97’s Race Engineer, Grant McPherson. The Respondent denied the Charge.

Having heard from the DRD and the Respondent, the Stewards adjourned at 2155hrs on to deliberate.

A breach of Rule D25.6.3.2 is committed if a Car does not have all four (4) wheels off the ground while Refuelling is occurring. “Refuelling” is defined in Rule D25.4.2 as meaning “*the transfer of Fuel to a Car...*”.

The broadcast footage reveals that the fuel coupling remained connected to Car #97 at the point in time when at least one of its wheels contacted the ground. This fact was not contested by the Respondent.

The broadcast footage also revealed that the air spike operator, who was observing the refuelling attendant adjacent to him, removed the air spike immediately after the fuel attendant “flinched”. Having then noticed that the fuel attendant had not removed the coupling, the air spike operator moved to re-attach the air spike but abandoned the move when he saw the fuel coupling had been removed after the wheels of the Car had made contact with the ground. The Respondent confirmed that the system employed by the Team is that the air spike operator watches the body language of the fuel attendant and when he sees a signal that Refuelling is completed, he removes the spike and drops the Car. We were told that the “flinch” co-incided with the refueller observing a bubble of air in the vent hose which suggested the tank was full.

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The issue is whether fuel was being transferred to Car #97 while the coupling remained connected. The Respondent's case, in short, was twofold:

- First, fuel was not being transferred to Car #97 when any of its wheels were in contact with the ground because Car #97 was making the relevant Pit stop only one Lap after completing an earlier Pit stop for the sole reason that the Team had been unable to complete compliance with the minimum 140L fuel drop at that earlier Pit stop because the tank had been filled and additional fuel still needed to be taken. At the third Pit stop only a small volume needed to, and could, be taken on board to comply with the full drop requirement. The coupling was connected for longer than was necessary to fill the tank therefore the tank must have been full when it was disconnected. If the tank is full, fuel is not being transferred. The effect of the Respondent's submission is that the tank was full at some point in time before the Car was lowered and that the fuel attendant kept the coupling connected thereafter unnecessarily;
- Secondly, even if fuel was being transferred there is an implicit tolerance in the Rule given the terms of Rule D25.6.3.2(a) which suggests that if a breach has occurred no Penalty will be imposed if the Car is immediately raised and remains raised until Refuelling is completed. In this case Refuelling was completed and therefore there was no reason for it to be raised back up. Therefore, no Penalty ought to be imposed.

The Respondent accepted that while the Deadman's valve remains open, fuel will transfer to a Car with the coupling connected unless the tank of the Car is full and the level of fuel in the vent hose has reached a point where there is hydraulic equilibrium. Both parties accepted that in the event of such equilibrium, fuel cannot transfer to a Car notwithstanding the connection of the dry break coupling. The Respondent contends that a point of equilibrium was reached before any wheel on Car #97 contacted the ground and, hence, Refuelling was not occurring, and the Rule was not breached. That contention relies on an assumption both that the tank on Car #97 was full and, further, that the level in the hose had reached the requisite height. There is evidence, albeit not conclusive, that the tank must have been approaching full if not full but there is no evidence of the volume of fuel in the vent hose. Although not tendered, the Respondent explained its data regarding fuel usage in the Race. This data was not challenged by the DRD but both Parties accepted that the variability in the density of the fuel during the Race means that assumptions have to be applied to the data to interpret it and it is therefore not conclusive.

We accept the DRD's submission that a reasonable inference is open to be drawn from the fact that the coupling remained connected that fuel was continuing to transfer to Car #97. We are not satisfied that the Respondent has rebutted that inference. In our view, the fact that the fuel attendant continued to keep the coupling connected notwithstanding that he had apparently seen an air bubble in the vent hose (being a sign that the tank is or is approaching full) suggests that the fuel attendant was not confident that the tank was in fact full at that point and, for that reason, remained connected and then disengaged when he realised that the air spike had already been removed. Either the air spike attendant misinterpreted the "flinch" by the refueller or the refueller had intended to signal the air spike operator to drop the Car but then reconsidered and by then it was too late. In our view, the apparent doubt on the part of the fuel attendant as to whether the tank was full tells against the Respondent's submission that we should find that the tank was so full that hydraulic equilibrium had been reached.

We therefore find the charge has been proved.

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We reject the Respondent's contention that Rule D25.6.3.2(a) implies that the Respondent is entitled to the benefit of a tolerance in circumstances where Car #97 was not raised immediately.

### Penalty

The DRD submitted that a Pit Lane Penalty is the appropriate Penalty for a breach of Rule D25.6.3.2. He submitted that, while the Driver of Car #97 could not be said to have contributed to the breach, Car #97 gained or stood to gain a sporting advantage by reason that it could take on more fuel within its elapsed Pit stop time by keeping the coupling connected while the Car was lowered. For that reason, and despite the infringement prejudicing the safety of Team personnel, a Team Penalty is inappropriate.

The Respondent submitted that no sporting advantage was gained in this case, that any infringement was the result of miscommunication between Team personnel and was unintended. He submitted that if any Penalty is to be imposed, it should be a Team Penalty only.

While we accept that the infringement was the result of a mistake and that no sporting advantage was intended, we agree with the DRD that by permitting the coupling to remain connected while a Car is lowered allows the Car to take on more fuel than it otherwise could. The volume of fuel in this case may have been small but the outcome of the Race demonstrates the potential for fine tolerances in full volumes to affect the results.

Even though several occurred some time in the past, we have had regard to the Penalties applied to breaches of this Rule previously. Save for two breaches where the circumstances were not comparable, a breach of the Rule has consistently resulted in a Pit Lane Penalty being applied.

The Parties are reminded that any rights to appeal are set out in Rule B5 of the 2018 Virgin Australia Supercars Operational Manual.

### Issued by the Stewards of the Event:

Dated: Sunday, 25 November 2018 at 0900hrs.



Matt Selley (Chair)  
Stewards of the Meeting



Chris McMahon



Dennis Willis

Received by the Parties at 9am on Sunday 25 November 2018: