STEWARDS DECISION - No. 135 **Document 26**

2019 INTERNATIONAL VIRGIN AUSTRALIA SUPERCARS CHAMPIONSHIP – RACES 28, 29 &30
"PENRITE OIL SANDOWN 500"
Sandown International Raceway, Sandown, Victoria
06th to 10th November 2019

FURTHER MATTER ARISING FROM "SUPERCHEAP AUTO BATHURST 1000"

The Stewards, having conducted a Hearing and heard from the Deputy Race Director and the Authorised Representatives of Race Team (Aust) Pty Ltd, determine the following:

Competitor	Racing Team (Aust) Pty Ltd
Car # & Driver	Car #17 Scott McLaughlin/Alexandre Premat
Date / Time	12 October 2019 Between approx. 0800 and1800hrs
Session	Qualifying and Top Ten Shootout for Race 25 "Supercheap Auto Bathurst 1000"
Fact	Following the Event, Engine 009, which was used in Car #17 in Practice Sessions 1 to 7, in Qualifying for Race 25 and in the Top 10 Shootout (and then replaced prior to the Warm Up for Race 25), was examined by Supercars Technical personnel and the valve lift in a number of cylinders was found to have exceeded the maximum permitted valve lift prescribed by the ESD for Car #17.
Rule	Rule C2.1.1.
Decision	Car #17, Scott McLaughlin/Alexandre Premat, is disqualified from Qualifying and the Top Ten Shootout for Race 25; and A Fine of $30,000 is imposed on Racing Team (Aust) Pty Ltd; and Car #17, Scott McLaughlin/Alexandre Premat, is relegated to rear of Grid for Race 30 in the 2019 Virgin Australia Supercars Championship.
Reason	Attached

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 10 November 2019 at 1030hrs.

Matt Selley (Chair)
Stewards (Supercars)

Steve Lisk

John Leahy

Annexure A – REASONS FOR DECISION

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IN THE MATTER OF A CHARGE OF A BREACH OF RULE C8.1.1 BY RACING TEAM (AUST) PTY LTD

"SUPERCHEAP AUTO BATHURST 1000"

Facts

Driven by Scott McLaughlin, one of the two Racing Team (Aust) Pty Ltd (**DJRTP**) entries, the Ford Mustang Car #17 (McLaughlin/Premat) set the fastest times in the field in both Qualifying and the Top Ten Shootout for Race 25 in the 2019 Virgin Australia Supercars Championship, the "Supercheap Auto Bathurst 1000" held at Mt Panorama in Bathurst (**Event**). Car #17 thereby commenced Race 25 from pole position. It went on to win the Race.

Each engine used by a Team in a Car bears a unique identifier. The engine used in Car #17 from the commencement of the Event up to and including the Top Ten Shootout was coded "009" (**the Q Engine**).

Rule D18.1 of the 2019 Supercars Operations Manual (**Rules**) provides that the engine fitted to a Car when it is presented for scrutineering at the Event must not be changed without the prior approval of the Supercars Head of Motorsport (**HoM**) and then only for a valid reason which is verified by the HoM.

Following the Top Ten Shootout, DJRTP requested and received the HoM's approval to change the Q Engine in Car #17 because the observed water pressure in the Q Engine was abnormally high according to telemetry which is independently monitored by Supercars. As a result, the Q Engine was not used in Race 25.

In accordance with typical procedure, both the Q Engine and the Engine used in Car #17 in Race 25 (**R Engine**) were seized by Supercars Technical personnel after Race 25 for checking.

One of the checks performed by Supercars Technical personnel of both the Q Engine and the R Engine was of the valve lift which has a maximum limit prescribed in section 2.21 of the Engine Component Specification (**ESD**) for the Ford Boss 302 Engine of 0.710" as measured in the Engine. The valve lift of the inlet valves in the Q Engine (but not of the R Engine) was measured by Supercars Technical personnel to exceed the Maximum Valve Lift of 0.710" in 5 cylinders (highest recorded measurement 0.7135"). The measurements were undertaken on a number of occasions and were witnessed by DJRTP representatives. These measurements were not completed until after the subsequent Event, the "Vodafone Gold Coast 600" held on 23-27 October 2019.

The Charge

The Deputy Race Director (**DRD**) has charged DJRTP with a breach of Rule C2.1.1 of the Rules (**Charge**) and referred that Charge to the Stewards.

Rule C2.1.1 provides that "A Car must comply with the Design, relevant VSD, ESD and the Rules".

It is alleged that Rule C2.1.1 was breached by DJRTP at the Supercheap Bathurst 1000 in that the Maximum Valve Lift of a number of inlet valves in the Q Engine exceeded the prescribed limit of 0.710" in the relevant ESD.

The Hearing

At 0800hrs on Saturday 9 November 2019 the Stewards commenced a Hearing into the Charge at the Penrite Oil Sandown 500. In attendance were the DRD, the Authorised Representative of DJRTP, Dr Ryan Story, and the President of Penske Racing and a nominated Assistant Authorised Representative of DJRTP, Mr Tim Cindric, and the DRD.

The Authorised Representative of DJRTP told the Stewards that DJRTP did not contest that the Maximum Valve Lift of the inlet valves as measured in engine by Supercars Technical for the Q Engine using the measurement procedure specified in section 4 of the relevant ESD was exceeded in a number of cylinders and that, accordingly, the alleged breach of Rule C2.1.1 was admitted by DJRTP. It was also admitted that it was reasonable to infer from the available evidence that the Q Engine was non-compliant during the Qualifying and Top Ten Shootout for Race 25 but took issue with a suggestion that it may have been non-compliant from the start of the Event.

In light of that admission it was not necessary for the Stewards to hear evidence from Supercars Technical personnel. The Authorised Representatives for DJRTP told the Stewards that they had ideally wished to lead evidence from the Principal of DJRTP's engine build contractor, Mostec Race Engines, Mr Steve Amos but Mr Amos was unable to attend the Hearing due to ill health. DJRTP did not request that the Hearing be adjourned to enable evidence from Mr Amos to be taken. Ultimately, in light of the submissions we received and the findings we have made, we do not consider that Mr Amos could have assisted the Stewards in resolving any of the issues.

The DRD's recommended Penalty

The DRD recommended to the Stewards that a Penalty in the following terms be imposed for the admitted breach:

- The Drivers of Car #17, McLaughlin/Premat, be disqualified from Qualifying and the Top Ten Shootout for Race 25 (noting that under Rule B7.7.1.8 of the Rules the Stewards only have power to disqualify a Competitor or Driver from a practice or qualifying session, not a Car, and the disqualification of DJRTP as the Competitor would have the result that Car #12, Coulthard/D'Alberto, would also be disqualified when it is not alleged there was any breach in connection with that Car);
- A Fine in the sum of $50,000 be imposed on DJRTP;
- That Car #17, McLaughlin/Premat, be relegated to the rear of the starting grid for Race 30.

The Authorised Representatives of DJRTP did not accept this recommended Penalty and submitted that it would be harsh and excessive.

Submissions on Penalty

The DRD submitted that, in accordance with accepted principles, the required consequence of the admitted non-compliance of Car #17 with the Rules is that the Drivers of Car #17 be disqualified from Qualifying and the Top Ten Shootout for Race 25 regardless of the reasons for or extent of the non-compliance. We agree with that contention and it was not challenged by DJRTP.

He also submitted that had the non-compliance been identified before Race 25, then, as a consequence of the required disqualification of the Drivers of Car #17 from Qualifying for Race 25, the Stewards would have relegated Car #17 to the rear of the grid for Race 25. By reason of the fact that the non-compliance was not identified until after Race 25 was run, the Drivers of Car #17 avoided that relegation. He submitted, however, that it is impossible now to quantify the advantage that Car #17 received in Race 25 from starting on pole rather than rear of grid and that, accordingly, to apply a Penalty referrable to the race result would be inappropriate. It was for this reason that he submitted that to relegate Car #17 to rear of grid in Race 30 is a fitting Penalty.

He also submitted that a Fine ought to be imposed. He referenced the Stewards' Penalty imposed on the same Team in 2018 when the use of a transaxle with incorrect drop gear ratios in Qualifying at the Tailem Bend event was not identified until after that event. In that case the Stewards had imposed a Fine in the sum of $30,000 of which $15,000 was suspended.

In support of his submissions the DRD tendered:

- A copy of ESD SC-2-221 being the ESD for the Ford Boss 302;
- A copy of the Engine Log Book for the Q Engine which recorded the replacement of the Rockers in that Engine immediately prior to the Supercheap Bathurst 1000.

He also explained that there is already a tolerance or margin built into the Maximum Valve Lift in the ESD because the cam lift limit and the prescribed rocker ratio yield a theoretical lift value of 0.700".

The Authorised Representatives of DJRTP submitted that a Fine coupled with a grid spot Penalty in Race 30 would be harsh given the following:

- The breach of the ESD was not intentional;
- No performance advantage arising from the breach was established by the evidence and was unlikely in any event;
- To be relegated to rear of Grid in Race 30, albeit an endurance Race, would be a harsher Penalty than to have been relegated to rear of grid at the Bathurst event due to the shorter Race distance of Race 30.

The Authorised Representatives tendered a volume of materials:

- A copy of the Engine Build Sheet for the Q Engine which recorded the inlet valve lift as measured by the engine builder when the engine was refreshed on 16 September 2019 as 0.706" (ie. within the limit of 0.710");
- Telemetry Data from the Q Engine on 12 October 2019 which showed abnormally high water pressure after Practice 6 for Race 25 until the end of the Top Ten Shootout;
- A Motec graph of water pressure data from the Q Engine in the same period;
- A document headed "Summary of Ambiguity Surrounding the Measurements";
- A graph headed "Measurement Trend with Consecutive Measurement Attempts Cylinder 1";
- A Summary of Cylinder Measurements;
- A Statutory Declaration of Mr Amos;
- An email from Supercars Technical recording the measured valve lift in a number of cylinders;
- Photographs of an example of valve lift measurement using a Mitutoyo 543-492B digital instrument;
- A table of measured valve lift in multiple cylinders in the Q Engine on various dates;
- A detailed report from Dr Frank Grigg OAM from Forensic Engineering Consulting Pty Ltd dated 8 November 2019 which spoke to the likely accuracy of the Mitutoyo 432-492B indicator.

In summary, DJRTP's contentions were that:

- The inlet and exhaust valve lift is regularly checked by Supercars Technical personnel. Indeed, the valve lift on the DJRTP's engines had been checked approximately 10 times this season, including on the Q Engine, with no issue observed. Because the checking of the valve lift was an expected process, it can be inferred that DJRTP would not have deliberately used an engine with that lift exceeded;
- An in-engine check of valve lift is commonly performed at Events and is a straightforward process, particularly on cylinders 1 and 5 which are at the front of the engine and easily accessible. Of the inlet valve lift exceedances, two of the cylinders were 1 and 5. Again, because it could be anticipated that the valve lift in cylinders 1 and 5 would be checked, it can be inferred that it is unlikely that DJRTP would have knowingly allowed the valve lift in those cylinders to be exceeded;
- The build sheet for the Q Engine demonstrates that the valve lift had been measured as within spec before the Bathurst Event;
- Because the ESD prescribes a procedure for measuring valve lift, the issue is not a simple question of the valve lift measurement but rather it is the measurement using that specific procedure;
- There are shortcomings in the specified procedure because a 'foot' or plate on the indicator shaft will mean that the indicator shaft will not be on the same axis as the valve stem;
- Before this issue was discovered, DJRTP measured its own valve lift using an analogue instrument which did not have the "foot" at the bottom of the indicator shaft. Nor did Supercars Technical personnel regularly use the Mitutoyo 432-492B digital indicator. Therefore, what has been discovered is the result of a change in circumstances;
- The degree of exceedance of the Maximum Valve Lift was nominal;
- The Q Engine had been run on the Supercars Technical dyno after Race 25 and after two power runs was not exceeding the mandated maximum Accumulated Power Number nor the EPWA number. Further power runs were not possible because Supercars Technical personnel observed water vapour being emitted from the oil tank which was consistent with the issues observed at the Bathurst Event and which had led to that engine being replaced prior to Race 25. Thus, it was submitted, there was an issue with the Q Engine and the possibility that the issue had some bearing on the valve lift couldn't be dismissed and, further, there was no demonstrated performance advantage from the Maximum Valve Lift exceedance.

The Stewards closed the Hearing at 1000hrs on Saturday 9 November 2019.

Decision

It is not necessary for us to resolve a number of the contentions put by DJRT.

As indicated above, we agree with the DRD that regardless of the cause or extent of the breach, the disqualification of the Drivers of Car #17 from Qualifying and the Top Ten Shootout for Race 25 is required. Whether the breach was deliberate or known might be relevant to the imposition of a further Penalty only.

In this case there is no evidence from which we could conclude the breach was deliberate or known.

It is not necessary for us to make any findings with respect to the prescribed procedure for measuring valve lift. What is clear is that it applies to all Teams and it is the standard which each Team is to be assessed against. The conclusion we draw from the evidence is that it is likely that the DJRTP engine builder measured the valve lift in the Q Engine using a procedure which was different to the prescribed

procedure and thereby under-estimated the valve lift before the Q Engine was delivered back to DJRTP.

Nor is there evidence from which we could conclude that Car #17 did benefit from a performance advantage by reason of the breach. As we have said, that it might have is irrelevant for the purposes of disqualification from the sessions concerned. However, in our view the facts of this case are distinguishable from the Tailem Bend transaxle breach in that it was obvious in the transaxle case that it had yielded a distinct performance disadvantage. In that case the Stewards imposed a Fine of $30,000 but suspended $15,000 for that reason. In this case we agree with the DRD that a Fine is appropriate and we see no reason to suspend any part of it. Given that a $30,000 Fine has been imposed in similar circumstances previously, we have decided to impose a Fine in the same amount here rather than an increased Fine of $50,000 as the DRD has recommended.

Finally, we agree with the DRD's recommendation that Car #17 be relegated to the rear of the grid for Race 30. This is an aspect of a Penalty which has a fit with the Penalty that would have followed had the breach been identified before Race 25 started. We acknowledge there is some force in the submission that a rear of grid relegation puts Car #17 at more of a disadvantage in the shorter Race 30 than it might have been had it started rear of grid in Race 25. However, that is an unfortunate but not unfair consequence of the breach having been undetected before Race 25 started. The fact that the breach was not detected until later is not attributable to Supercars but is a consequence of the Team having failed in its responsibility to ensure its car was compliant at all times. Under Article 12.2.3.4 of the FIA International Sporting Code, we have the power to impose a Penalty at a subsequent Competition in the same Championship or series and we do so.

Penalty

We impose a Penalty in the following terms:

1. The Drivers of Car #17, McLaughlin/Premat, be disqualified from Qualifying and the Top Ten Shootout for Race 25;

2. A Fine in the sum of $30,000 on DJRTP;

3. Car #17, McLaughlin/Premat, be relegated to the rear of the starting grid for Race 30.

By reason of the disqualification, Car #17's times in Qualifying and the Top Ten Shootout for Race 25 are expunged. As noted above, Car #17 won the Pole Award for Race 25 and the Driver of Car #17 who qualified the Car for Race 25 received prize money connected with that Award. Under Rule D15, prize money is the sole responsibility of Supercars and the Pole Award is not an award prescribed by the Rules. Article 213 of the National Competition Rules of CAMS (which apply only by default in the 2019 Virgin Australia Supercars Championship and in the event of inconsistency the Rules prevail) any prize or award not confirmed is to be returned to the Organiser. We do not consider that we have the power to direct this to occur but, given the circumstances, it would be appropriate for this to be done.