

Document: 37

2024 REPCO SUPERCARS CHAMPIONSHIP RACES 17 & 18 “NED WHISKY TASMANIA SUPERSPRINT”

Symmons Plains International Raceway, Symmons Plains, Tasmania
15 to 18 August 2024

The Stewards, having noted an Incident from post-Race media reports, having summoned and heard from the Authorised Representatives of Triple Eight Race Engineering Pty Ltd (**Triple 8**) and Tickford Racing Pty Ltd, the Driver of Car 55 and the Team Principal of Triple 8 and reviewed Supercars Media footage determine the following:

Competitor	Triple 8
Participant	The Authorised Representative of Triple 8 (Cars 87 and 88), Mark Dutton
Date	Sunday, 18 August 2024
Fact	The Authorised Representative of Triple 8 made physical contact upon the Driver of Car 55
Rule	B6.5.1.1 A person must not intentionally make physical contact with another person except in self-defence
Decision	Reprimand for the Authorised Representative of Triple 8
Reasons	<p>During Race 18, Race Control noted two Incidents involving contact between Car 55, Thomas Randle, and the two Triple 8 Cars. The first concerned an attempt by Car 55 to overtake Car 87, Will Brown, at Turn 4 on Lap 44 which continued through Turns 5 to Turn 7 at which point Car 55 left the edge of the track. The relative positions of Car 55 and Car 87 immediately prior to the first contact was 2nd and 3rd. After the Incident Car 87 maintained 2nd position but because Car 55 left the edge of the track, it lost a position to Car 88, Broc Feeney. The DRD investigated that Incident and determined to take no further action because it was considered that both Drivers had contributed to the contact and the relative positions of the two Cars before the Incident was restored.</p> <p>The second Incident also occurred at Turn 4 on lap 50 when Car 55, which was then in 4th position, attempted to overtake Car 88 which was in 3rd. Car 55 caused Car 88 to spin and lose multiple positions. The Stewards imposed a 15 second Time Penalty on Car 55 for Careless Driving. Car 88 was ultimately classified in 15th position, and Car 55 in 18th position.</p> <p>Shortly after the Race concluded, the Driver of Car 55 approached Car 88's garage. What transpired was captured by Supercars Media and the footage was made available to the Stewards.</p> <p>The Driver of Car 55 is seen to get out of his Car and walk with his helmet on at a normal pace towards the Car 88 garage. The Triple 8 Team Principal is standing near the entry to the garage to the left of the Driver of Car 55 as he walked towards the garage entry and asks the Driver of Car 55 “Who are you after?” The Driver's first reply is inaudible and the Team Principal is heard to ask “Who?” At this point the Driver of Car 55 has taken one step inside the garage and has stopped just under the roller door and gone no further. He is heard to say “Broc”. The Team Principal turns to look inside the garage and says “Ah, no, he's gone out”. Just as the Team Principal says this, the Authorised Representative approaches the Driver of Car 55 from behind and, as he reaches the right side of the Driver, starts to extend his right hand and in one movement places his body in front of the Driver of Car 55 at the same time as the palm of his hand pushes on the chest of the Driver. The push is not violent and does not involve significant force.</p>

The Driver of Car 55's response to the contact was to take 3 steps backwards. He does not lose balance at any time and stands his ground facing the Authorised Representative who is pointing at the edge of the garage entry and heard to say "*Don't come into the garage*". There is then conversation between the 3 persons. It becomes clear to all that the Driver's intention is to apologise to the Driver of Car 88 and the Team Principal is heard to say that the Driver of Car 88 had gone to the truck and he would tell him to come down (presumably to the Car 55 garage). We were told that later the Driver of Car 55 met and spoke with the Driver of Car 88, apologised for the Incident involving the two Cars and seen his apology accepted.

The Driver of Car 55 gave evidence that he had gone to the Triple 8 garage to apologise to the Driver of Car 88. He said that he had first paused in his Car for a time to compose himself as he was not happy with his own performance in the Race. He left the Car and walked straight to Car 88's garage. On the way, he began removing his driving gloves and would have then taken off his helmet. He had not achieved that by the time he arrived at Car 88's garage. His priority was to see the Driver of Car 88 and to apologise to him. The Driver of Car 55 said that the first he knew of the presence of the Authorised Representative was when he felt a push on his chest and recognised who it was.

The Authorised Representative sought to justify the push. He said that he was concerned that the Driver of Car 55 was there to physically confront the Driver of Car 87 about the Incident between those Cars. He said that he had witnessed a physical altercation between different Drivers some time ago and was conscious that in the aftermath of a race, emotions can be heightened. The Authorised Representative considered that the Driver of Car 55 not removing his helmet was an indication of possible aggression. The effect of the Authorised Representative's evidence was that the push was a protective measure to avoid violence to his staff. He said that he did two things. Firstly, he placed his body directly in front of the Driver of Car 55 as a barrier. He emphasised that he took this first step because he knew that, with his helmet on, the Driver of Car 55 had limited peripheral vision so it was important to put himself directly in the Driver's line of sight. The second move was to remove the Driver from the garage with the push.

The Triple 8 Team Principal was not criticised by the Driver of Car 55 and his evidence was not contentious. He defended the Authorised Representative and said that he considered it the Authorised Representative's role to protect the garage and the Team personnel.

The Tickford Authorised Representative was not a witness to the Incident. He put his Team's position that the intentional physical contact by the Triple 8 Authorised Representative upon his Driver was unreasonable and unnecessary.

Rule B6.5.1.1 provides:

"A person must not intentionally make physical contact, which includes any type of assault with another person, except in self-defence."

The Rule, literally read, prohibits all intentional physical contact except contact made in self-defence. By common human standards consensual physical contact between people is permissible. It must be that the Rules admit of contact either by express consent or through implied consent as, for example, where assistance is given to an injured competitor who may, at that point, be unable to give consent to physical contact in order to render necessary help.

A more difficult question may be whether the Rule prohibits intentional physical contact in defence of peaceful occupation of a pit garage assigned to a team. That question does not arise here because, if such a right existed, it would be limited to reasonable physical contact. Here the push was deliberate. It constituted [intentional] physical contact and, in our view, it was not reasonable or necessary.

A physical confrontation between the Drivers of Cars 55 and either of the Triple 8 Drivers was very unlikely. The Driver of Car 88 was not in the garage and the Driver of Car 87 was at the podium a considerable distance away. The Supercars Media footage does not support the Authorised Representative's version of events. He did not place himself squarely in front of the Driver of Car 55 and then push him. As noted above, the footage shows the Authorised Representative coming from behind and to the right of the Driver of Car 55 and in one movement pushing him. The Authorised Representative's first response to the Driver of Car 55's presence is the push despite the body language of the Team Principal with whom the Driver was speaking being quite inconsistent with the notion that the Driver was threatening.



The physical contact, being the push, is admitted and there was no contest as to it being intentional. It was not made in self-defence and even if it was intended to be in defence of others, it was in the circumstances unnecessary and unreasonable.

The Stewards find a breach of Rule B6.5.1 to be established and have determined to issue a Reprimand to the Triple 8 Authorised Representative.

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

Issued by the Stewards of the Event:

Matt Selley (Chair)
Motorsport Australia Stewards

Bradley Tubb

Peter Davis

DATE: 22 August 2024

TIME: 1700hrs