



**DECISION OF THE JUDICIAL COMMITTEE APPOINTED BY THE BOARD, NAMELY:**

- Mr Graeme Robertson(Chair)
- Mr Shayne Harris
- Mr Raymond Bennett

The parties concerned or interested;

Mr Malcom Little (Competition Licence 941535X)  
Mr Alex Little (Competition Licence 160083X)  
Mr Scott Digby-Smith - Little Team Manager

Representing MotorSport NZ: Mr Brian Budd  
Mr Terry Carkeek

**MOTORSPORT NEW ZEALAND (INC)** under the powers set out in Articles 118 to 123 of the National Sporting Code, considered the issues brought to its attention and approved a hearing to be held before the Judicial Committee appointed by the Board.

The hearing was held on 29 August 2018 at MotorSport House, 69 Hutt Road, Thorndon, Wellington. A Notice was promulgated to the parties concerned or interested on 9 August 2018.

**PURPOSE OF HEARING**

During preliminary investigation for a National Court of Appeal Hearing convened to consider the eligibility of Super Trucks #14, Alex Little and #66, Malcom Little, possible false notations were discovered in the Logbooks of both Trucks.

It was established during the Court of Appeal Hearing that the Logbook entries were not made by either of the appointed Technical Officers and the origin of the logbook entries remain undiscovered.

The Decision of MotorSport NZ National Court of Appeal Hearing dated 25 July 2018 relating to the eligibility of the Truck Cabs of Super Truck #14, Alex Little and #66, Malcom Little, did not deal with the 'false logbook notations' and specifically Article 10 of their decision left the matter to be investigated by MotorSport NZ.

Under NSC Part X, MotorSport New Zealand has inquired into the matter and an Inquiry Review Panel has determined that as a result, a Judicial Committee Hearing be convened to consider the matter which is the subject of the Court of Appeal decision.

This Inquiry is convened to consider the following issues:

Issue 1:

- how the logbook notations, found against the 12<sup>th</sup> January 2018 event entry, were made

Issue 2:

- establish if the notations were made by an authorised official

Issue 3:

- consider if the logbook entries are shown to have been falsely entered and whether a prima facie case has been established for a penalty to be applied.

## **HEARING PROCEDURE**

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 123.

Mr Budd & Carkeek outlined the details and reasons for the hearing.

The Judicial Committee had been provided with a copy of Court of Appeal Decision and Amendment TR-18-T001 as well as photocopies of Logbooks 22013 and 22327. The original logbooks were tabled by Malcolm Little as required in Hearing Notice.

Emails were tabled from Daniel Cresswell and Alistair Steele, Truck Series Technical Officers and statements were heard from Malcolm and Alex Little.

Questions to clarify points of evidence presented were asked by the Judicial Committee, Brian Budd, Terry Carkeek Malcolm Little, Scott Digby-Smith and Alex Little.

## **Finding**

The Judicial Committee having considered evidence and documents presented have reached the following findings:

Issue 1:

*how the logbook notations, found against the 12<sup>th</sup> January 2018 event entry, were made*

- Scott Digby-Smith said he made the entries following scrutineering on 13 January

Issue 2:

*establish if the notations were made by an authorised official*

- Authorised officials are only specified for entries relating to Schedule A 3.4 (5) "Vehicle Identification Details and (7) for rectification and auditing details

Issue 3:

*consider if the logbook entries are shown to have been falsely entered and whether a prima facie case has been established for a penalty to be applied.*

- There is no restriction for the entry undertaken by Scott Digby-Smith.

## **Summary of findings**

Taking account of all the findings the Judicial Committee concludes that:

Issue 1:

*how the logbook notations, found against the 12<sup>th</sup> January 2018 event entry, were made*

- See 1 above.
- This was done on the advice of an experienced team member, by the team as they believed that the cab had been checked. at an earlier date.
- The entry was not done to deceive but to record a situation that the team believed had been checked
- There was no evidence produced to show that the entries into the log bog were made at any other time than that stated.

Issue 2:

*establish if the notations were made by an authorised official*

- See 2 above.
- The Committee was disappointed that:
  - the Technical Team and/or the Championship Tech Officer did not chase Littles up to get their vehicles checked at the first round following issuing of Amendment TR-18-T001.4.
  - the Championship Technical Officers did not take notice of the obviously incorrect 13 January entry. It is noted that there were 4 entries since that time.

Issue 3:

*consider if the logbook entries are shown to have been falsely entered and whether a prima facie case has been established for a penalty to be applied.*

- *There is no rule in the NSC that precludes a team notating anything in the log book. Given the notation was made prior to amendment TR-18-T001.4 it is difficult to conclude that the notation was made to deceive.*
- No case for penalty has been established as no rule has been broken.

**Decision**

Taking account of all the factors put before it the **JUDICIAL COMMITTEE DECISION** is that:

1. No penalty to either Alex or Malcolm Little applies as no rule has been broken.
2. Schedule A 3.4 (5) is to be amended to read **Entries or amendments to the logbook:**

The Judicial Committee was unanimous in making its decision.



**Graeme Robertson**  
**Chairman**  
**For and on behalf of the Judicial Committee**

**DATED:** 29<sup>th</sup> August 2018

This copy of the hearing proceedings and decision were provided to Chief Executive Officer, MotorSport NZ, by email at 1530hrs, 30 August 2018 as required by Manual 35, Article 123 (7), (c) of the National Sporting Code.,