



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF ENQUIRY 1197

HEARING HELD AT THE MSA OFFICE IN CAPE TOWN AT 19H00 ON 12<sup>th</sup> JULY 2017

<b>Present:</b>	Steve Miller	-	Court President
	Joy Dolinschek	-	Court Member
	Tony Norton	-	Court Member
	Johann Spies	-	Chairman Zone 7
	Janet Buys	-	Race Secretary
	Callie Steyn	-	Clerk of the Course
	Jan Thorsen	-	MSA Steward
	Marius Herselman	-	Chief Marshal
	Roy Pheiffer	-	Witness
	Romanda Marais	-	Witness
<b>In attendance:</b>	Lizelle van Rensburg	-	MSA Scribe

### INTRODUCTION:

The Court President introduced himself and the other court members. There were no objections to the composition of the court.

### 1. THE HEARING

Motorsport South Africa has convened a Court of Enquiry in terms of GCR 211 to investigate, inter alia:

- a. The possible dereliction of administrative duties by Zone 7 at the Zone 7 MX event on the 27<sup>th</sup> May 2017 in so far as it affects GCR 20, GCR 72, GCR 82, GCR 143, GCR 144 or any other GCR in relation to allegedly allowing marshals to officiate at an event or events without being correctly documented/licensed/insured.
- b. Whether Zone 7 has breached the General Competition Rule GCR 98, 136, 141 (iii) and 159 (ii) or any other GCR in relation to allegedly allowing a competitor to compete without a valid MSA Licence on the 27<sup>th</sup> May 2017.

*MOTORSPORT SOUTH AFRICA IS THE ONLY RECOGNISED MOTORSPORT FEDERATION IN SOUTH AFRICA*



Directors: Adv. G. T. Avvakoumides (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), P. du Toit, D. Easom, J. Fourie, G. Hall, A. Harri, M. Rowe, R. Schilling, Ms N. Singh, Ms M. Spurr

- 2. Having heard the representations of the persons present the Court determined:**
- a. That the available correspondence between MSA and Zone 7 around sub-par documentation, the use of non-licensed officials, and competitors participating without valid licences goes back as far as January 2017.
  - b. That Zone 7 management is acutely aware of the administrative short-comings displayed and does not dispute the veracity of the evidence provided.
  - c. That Zone 7 management are alive to the massively negative ramifications of allowing unlicensed officials to officiate and unlicensed competitors to participate. These range from the potential for challenging race day results, to the repudiation of claims by MSA's insurer, to the potential for crippling civil suits from the families of impacted officials or competitors, both for MSA and Zone 7.
  - d. That Zone 7 management have initiated structural and procedural remedies to improve race-day administration. These include, inter alia, upskilling the race secretary, employing a further person to oversee documentation and reviewing their training processes.
  - e. That Zone 7 faces an ongoing problem with one-day, once-off marshals. It would appear that many young marshalling novices arrive ill-prepared for the day with missing documents and often never return. Keeping accurate and up-to-date records is thus a moving target, exacerbated by the need to use these individuals on the day or face the possibility of being under-staffed in this crucial function. Zone 7 management aver that this is a problem faced by most MX tracks in the country, a problem for which a solution needs to be found.
- 3. Whilst the Court cannot condone these egregious administrative derelictions it remains sympathetic to Zone 7 and its management. In the spirit of problem resolution rather than punishment the Court nonetheless finds:**
- a. By allowing unlicensed/undocumented officials to officiate and an unlicensed competitor to participate, Zone 7 is guilty of breaching GCRs 82 (ii), 98, 141 (iii), 143, 159 (ii) and 172 (ii) c). However, the Court accepts the bone fides of Zone 7 management and trusts that the new staff and systems will prove adequate to eradicating these short-comings.
  - b. MSA is willing to work together with Zone 7 to ensure flawless administration and systemic improvement henceforth. To this end, Mr Tony Norton offered his services to the Chief Marshall of Zone 7 to review the current marshalling plan and processes at Zone 7.
  - c. The Court recommends that MSA's Motocross Commission formally review the current marshalling recruitment problems facing MX tracks, especially the phenomenon of "one-day" marshals, especially as it impacts record-keeping and insurance, to see whether the current process could be simplified or streamlined. It is the Court's understanding that group cover is provided to insure the officials on the day but that the aggregating data required is that of the individual. Where young volunteers are used, their access to, and knowledge of, detailed personal information appears compromised and some solution needs to be found to make sure their services can be used without putting either the promotor or MSA at risk.
  - d. The Court accepts Zone 7's contention that it has recognized its shortcomings and instituted remedial action. In light of these proactive procedural initiatives, and in an attempt to seek administrative solutions rather than mete out punishment, the Court chooses to suspend the imposition of any immediate financial penalty. However, to demonstrate the seriousness with which the Court views these breaches, the court levies a fine of R22 000 (R5000 for unlicensed competitor in line with Appendix R clause 2 ii (g) and R1000 per unlicensed marshal for each of the 17 undocumented/unlicensed marshals), such fine to be suspended for a period of six (6) months from the date of

publication of these findings provided no further dereliction of administrative duty by Zone 7 occurs during this period.

All parties are reminded of their rights in terms of GCR 212 B.

These findings are published via email on 26/07/2017.

**161272/098**