



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

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COURT OF APPEAL 422

HEARING HELD IN THE MSA BOARDROOM ON WEDNESDAY 15th MARCH 2016 AT 18H40

Present:	Darryn Lobb	-	Court President
	Alan Kernick	-	Court Member
	Noleen Roome	-	Court Member
	Greg Higgins	-	Court Member
	Wally Pappas	-	Clerk of the Course
	Westley Pappas	-	Assistant Clerk of the Course
	Andre Maree	-	MSA TORC Steward
	Chantelle Lewis	-	Competitor
In Attendance:	Wayne Riddell	-	MSA Sporting Services Manager
	Karin Britton	-	MSA Scribe

INTRODUCTION

The court introduced the court to the attendees and no objections were lodged against the composition of the court.

THE HEARING

The court was presented with evidence from a number of sources, including documentation relating to the said incident, as well as documentation relating to the TORC disciplinary hearing held on 11th February 2016, in addition to personal accounts from both Chantelle Lewis and Andre Maree.

FINDINGS

The court is of the opinion that the TORC hearing referred to, amounted to nothing more than a “kangaroo court” with the pre-determined aim of suspending Mrs Lewis, long before she was ever even given an opportunity to defend herself.

The court further found that TORC does not have in place, any written procedures or policies, to govern such a hearing in order to ensure independence and credibility of decisions rendered, and as such, believes that these hearings lack all credibility required to effectively govern this area of our sport. In this particular instance, the hearing was nothing more than a personal vendetta between TORC Management and Mrs Chantelle Lewis, with Mrs Lewis being the victim.

After considering all evidence, the court upholds the appeal of Chantelle Lewis and sets all previous findings issued by TORC aside.

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



sport & recreation
Department
Sport and Recreation South Africa
REPUBLIC OF SOUTH AFRICA

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

Honorary Presidents – Mrs B Schoeman, T Kilburn

The court instructs that TORC, should they wish to continue administering this aspect of motorsport, submit to MSA in writing, the minimum procedures to be followed for future hearings, to amongst others, ensure that these hearings don't become a platform for the shareholders of the TORC entity to become the "Judge and Jury", and in doing so, tarnish the reputation of this aspect of motorsport for both TORC and MSA. This instruction needs to be complied with before TORC are permitted to hold its own hearings again. This requirement needs to be officially signed off by MSA.

Such policies and procedures should ensure that the panel responsible for chairing such hearings, remain independent and unbiased to any particular faction within this aspect of motorsport.

Furthermore, they should ensure that no one has the ability to unfairly influence, and/or control the court in any manner whatsoever. TORC has the responsibility to ensure that minutes of each hearing are recorded and published in a professional manner, unlike what has been seen for this hearing.

The court wishes to remind all motorsport competitors reading these findings that confrontations and/or abuse of any kind will not be tolerated in motorsport.

TORC are ordered to pay court costs to the sum of R1500-00.

The affected parties are reminded of the provisions of GCRs 196 and 222 with regard to the time limits for the payment of fines and costs.

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

These findings are distributed via email on 11th April 2016.

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