



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF ENQUIRY 1131:

### **COURT OF ENQUIRY CONVENED TO INVESTIGATE VARIOUS ISSUES AND ALLEGATIONS ARISING FROM THE 2014 NAMAQUA CROSS COUNTRY RALLY FROM 25<sup>TH</sup> APRIL – 3<sup>RD</sup> MAY 2014**

Present:	Vito Bonafede	-	Court President
	Wally Pappas	-	Court Member
	Hanko Swart	-	Court Member
	Richard Shuttle	-	Court Member
	Jacqui Monteiro	-	Secretary General FIM Africa
	Clint Rieper	-	Clerk of the Course
	Adolf Botes	-	MSA Steward
	George Booker	-	Event Organiser
	Bev Booker	-	Event Organiser
	Pieter Coetzee	-	Self Track
	Rashaad Monteiro	-	MSA Claims & Medical Panel Co-Ordinator
	Maria Buys	-	PA to MSA CEO
	Wayne Riddell	-	MSA Sporting Services Manager
	Carmen Hill	-	MSA Scribe
Apologies:	Clive Crouse	-	Competitor
	Lourens Vervaart	-	Competitor
	Hanco Janse van Rensburg	-	Competitor
	Brett Cummings	-	Competitor
	Tony Hardenberg	-	Environmental Steward
	Derek Jacobs	-	Event Co-ordinator

The Court President introduced himself and the other court members and asked if there were any objections to the composition of the court. No such objections were raised and all parties present introduced themselves.

Apart from the verbal evidence provided during the hearing, various written evidence was also considered by the court. This included reports submitted by the Clerk of Course (Mr. Clint Rieper), the MSA Steward (Mr. Adolf Botes), and the Event Organiser (Mr. George Booker), as well as email correspondence from Mr. Derek Jacobs, the Lions Club and competitors, together with various newspaper articles from the Vredendal area in which the event was run.

Based on the evidence, the following were identified as the main issues needing to be dealt with:

- Allegations that racing took place on roads for which no permission had been granted;
- Allegations that prize money owing to competitors had not been paid;
- Allegations that race officials had not been paid by the organisers for services rendered;
- Allegations that proper regard had not been taken with regard to the safety aspects associated with major road crossings undertaken by riders.

It is very clear to the court that roads were used without the necessary proper permission having been granted, especially those on Transnet property. This was acknowledged by Mr. Booker.

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

Directors: S. E. Miller (Chairman), A. Scholtz (CEO – Operations), A. Taylor (Financial), K. G. Doig, J. du Toit, M. du Toit, P. du Toit, D. Lobb, N. McCann, C. Pienaar, B. Sipuka, L. Steyn – Hon. Presidents : T. Kilburn, Mrs. B. Schoeman



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REPUBLIC OF SOUTH AFRICA



It is also clear that prize monies owing to competitors have not been fully paid. Neither have monies owing to the Lions Club and certain events/marketing companies been settled as yet. This too was acknowledged by Mr. Booker.

It was also confirmed by all parties that the use of the N7 and R27 major roads was without permission. The use of these major provincial roads almost caused head-on collisions with private motorists. There were no proper safety procedures and assistance given to competitors for the crossing of major roads which made these crossings very dangerous. Unlicensed motorcycles were required to make use of these roads.

Based on news articles, public complaints and social media threads, motorsport was most certainly brought into disrepute on more than one occasion during the course of the event.

Mr. Booker did not communicate all the facts to the CoC and Steward of the event. He also did not deliver on promises made to deliver key information and proof of permissions that were requested by the officials.

Mr. Booker also admitted that he had no formal pre-event meetings with officials prior to the start of the event. The officials were also totally misinformed by Mr. Booker on a number of occasions.

It is clear to the court that the following GCRs, among others, have been breached: GCRs 78, 141, 152, 156, 172 and 243.

**The court's findings against Mr. Booker will only be finalised in August 2014.**

These findings will be decided on after the following actions are taken by Mr. Booker on or before the stated respective deadlines:

1. Mr. Booker is to submit to MSA a full detailed list of monies owing to all the various parties by close of business on or before **11<sup>th</sup> July 2014.**
2. Mr. Booker is to send letters of apology to all the relevant land owners, provincial departments and other affected parties. Proof in this regard must be provided to the MSA Steward for the event, Mr. Botes, on or before **15<sup>th</sup> July 2014.** Mr. Botes will then report back to MSA (in the person of the Sporting Services Manager Mr. Wayne Riddell) in this regard.
3. Mr. Booker is to ensure that all outstanding debts and prize monies arising from the event are paid and settled, with proof in this regard being submitted to the MSA Steward, Mr. Botes, on or before **15<sup>th</sup> August 2014.** Mr. Botes will also report back in this regard to Mr. Wayne Riddell, who will in turn report back to the court members on the status of all three of these items.

Following the 15<sup>th</sup> August deadline, the court will re-convene in camera to deliberate on the final findings of the court in relation to Mr. Booker. The court wishes to point out to Mr. Booker that it will be in his own interests to comply with the above stipulations as compliance, or otherwise, will play a significant role in the ultimate findings of this court.

**The court's findings with regard to the other officials (these are final and will not reflect again in the August findings):**

It is clear to the court that the CoC and Stewards erred in the following regards:

1. Allowing road crossings to take place without safety marshals being present;
2. Allowing the R27 to be used as part of a competitive stage;
3. Allowing transport of competitors on the N7 that were not licensed.

However, the court acknowledges that they acted in good faith and did everything in their power to allow the event to continue as successfully as possible in difficult circumstances, in the interests of the sponsors, the competitors who had incurred significant costs to participate and the sport generally.

In the circumstances, the MSA official licences of both Mr. Rieper and Mr. Botes are withdrawn for a period of 3 months. However, these withdrawals of licence are suspended for a period of 6 months and shall only take effect should they be found guilty of a similar offence during this 6 month period.

No action is taken against Mr. D Jacobs. His actions were never disputed during the court and therefore no penalty is applied.

The court defers the making of any order with regard to costs until such time as the final findings in this matter are made in August 2014.

These interim findings distributed via email on 25<sup>th</sup> June 2014

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