



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## COURT OF ENQUIRY 1143

ENQUIRY HELD IN THE OFFICES OF MSA CAPE TOWN ON THE 30<sup>TH</sup> APRIL 2015 AT 18H00

<b>Present:</b>	Joy Dolinschek	-	Court President
	David Bolding	-	Court Member
	Clint Rennard	-	Court Member
	Nico Coetzee	-	Competitor
	Neva vd Merwe		MSA Steward
	Dave Bayley	-	Club Steward
<b>Apologies:</b>	Dawn Terblanche	-	Clerk of the Course

### INTRODUCTION

The Court President introduced the court. No objections were raised against the composition of the court.

It was recorded that MSA had instituted this Court of Enquiry following allegations that competitor Nico Coetzee had consumed alcohol during an MX event held at Killarney on 21<sup>st</sup> March 2015.

The court noted with disappointment the absence of the Clerk of the Course (CoC) from the hearing, whose written report on the incident had only been received following submission of her official event report to MSA.

### HEARING

The court heard, inter alia, the following evidence:-

1. Competitor Coetzee stated that, following an argument related to one of the junior teams, he had decided, during the course of the event (but before he was scheduled to race again during the day) to pack up his things and leave the venue. Competitor Coetzee informed the court that it was only at that point that he had consumed a beer. Competitor Coetzee stated that he had then been approached by the Clerk of the Course, Dawn Terblanche, and the Club Chairman, Roy Pheiffer, and he (Coetzee) had admitted to them that he had consumed a beer. Mr Coetzee stated that he had then left Killarney and proceeded to Zone 7 to practice.
2. Club Steward, Dave Bayley, stated that he had only become aware of the situation at the last Jury meeting of the day when, amongst other things, the CoC had advised that competitor Coetzee had been asked to leave the venue due to his consumption of alcohol. Bayley, having had sight of the CoC's event report, was surprised that it contained no reference to the Coetzee incident.

*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), M. du Toit, P du Toit, D. Easom, J. Fourie, G. Hall, S. Miller, M. Rowe, Ms N. Singh, T. Sipuka – Hon. Presidents: T. Kilburn, Mrs. B. Schoeman

The court found there to be two pertinent issues in this matter:-

1. Competitor Coetzee, by his own admission, consumed alcohol during the course of an event. It is irrelevant whether or not he intended to take no further part in the event. The fact remains that he did not formally withdraw from the event and could therefore easily have taken part in his scheduled second race should he have so wished and thereby created a potentially dangerous situation for other competitors at Killarney. The fact that he did so anyway (created a potentially dangerous situation for other competitors by going to practice at Zone 7 after leaving Killarney) is viewed by the court as both reckless and irresponsible. GCR 118 has reference.
2. The court is satisfied that the matter of a competitor consuming alcohol during an event for which he/she is entered (and as a result being requested/instructed to take no further part in the event), is of a sufficiently serious nature that it should most definitely have been mentioned in the CoC's official event report to MSA. The fact that it wasn't is extremely concerning to the court and the CoC is severely reprimanded in this regard.

### **FINDINGS**

1. Competitor Nico Coetzee's MSA competition licence is withdrawn with immediate effect until 31<sup>st</sup> December 2015.
2. A further five (5) year withdrawal of competitor Coetzee's competition licence is suspended for two years (01 January 2016 to 31 December 2017) and will come into effect should he be found guilty of consuming alcohol while taking part in any motorsport event during the 2016/2017 period.
3. The MSA official's licence of CoC Dawn Terblanche is withdrawn with immediate effect and will only be reinstated on her re-writing and passing the official MSA examination pertaining to the General Competition Rules (GCRs).

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

These findings were distributed at 12h50 on the 14<sup>th</sup> May 2014