



MOTORSPORT SOUTH AFRICA NPC

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ENQUIRY 1073 INTO THE ALLEGED CONTRAVENTION OF GCR 172 (iv) and (vi) BY MR. IZAK MARITZ AND MRS. ANNELIE MARITZ. HEARING HELD IN THE MSA BOARDROOM ON THE 5th JULY 2011 AT 15H00

Present	:	Wally Pappas	-	Court President
		Christo Reeders	-	Court Member
		Alan Kernick	-	Court Member
		Allison Atkinson	-	Scribe
		Izak Maritz	-	Competitor
		Annelie Maritz	-	Competitor
		Hanko Swart	-	4x4 Representative
		Hesma Swart	-	Competitor



The President introduced himself and the Court Members. There were no objections to the composition of the Court.

The Court held the view that the competitors should be afforded the opportunity of addressing the Court on the alleged Contravention of GCR 172 (iv) and (vi)

The Hearing

Evidence was led by all parties. The Court called upon the Manager: Sporting Services, Mr. Allan Wheeler to clarify certain aspects which had arisen during the hearing.

In essence the Court heard evidence in respect of an allegation that certain rules within the 4X4 Challenge related to a specific class had been included in the 2011 rules without prior approval. Ironically little evidence was produced as to why it had taken no less than 5 months to identify the problem nor why the alleged inclusion was not the subject of some objection earlier in the year. The Court was unable to obtain any significant explanation as to why allegedly aggrieved or affected competitors had not found it necessary to firstly take issue with and secondly protest the rules alluded to notwithstanding a number of National and other events having taken place in terms of the 2011 rules. In any event, the Court was guided by the provisions of GCR 214D and makes the point that any aggrieved party was empowered in terms of the rules to have taken issue when the rule was first published. Any belated attempt to take issue would have amounted to an inadmissible Appeal as defined in GCR 216(v).

The Court heard that Competitor Maritz notwithstanding the provisions set out above, had however taken it upon himself to champion the cause of raising objection to the application of the rule to a particular class, even though it appeared he was not directly affected thereby, by firstly submitting the matter to MSA without initially exhausting the remedies available through the Association, had become aggressive when confronted by the Association Chairman and had constructed a petition when in effect he should have produced a mandate indicating whom he represented.

The bald allegation made by Mr. Maritz, that the Association Chairman was simply acting of his own volition by, amongst other things, including rules in the Handbook as he saw fit, was not supported. The petition on which Mr. Maritz relied was in the view of the Court flawed.



Motorsport South Africa is the only recognised motorsport Federation in South Africa

Directors: G. Nyabadza (Chairman), J.F. Pretorius (Chief Executive Officer), A. Taylor (Financial), J. du Toit, M. du Toit, P. du Toit, D. Lobb, E. Mafuna, S. Miller, N. McCann, C. Pienaar, B. Sipuka, B. Smith, D. Somerset, L. Steyn, P. Venske – Hon. President : T. Kilburn, Mrs. B. Schoeman

If anything the Court found that the evidence presented reflected some animosity between the parties and this appeared to have sparked the course of action undertaken by Mr. Maritz. The result was an undermining of the processes and procedures in place to deal with matters of this nature and this presented a potential risk then of bringing the sport into disrepute.

Mr Maritz was repeatedly requested to articulate his understanding of the inclusion of the rule to which he had objected in the 2011 rules. It emerged that the rule concerned had historically formed part of the prevailing rules since at least 2008 inasmuch as the use of a split /locker transfer case had never formed part of the excluded or otherwise prohibited modifications. The specific reference thereto and the inclusion thereof in the 2011 rules by Mr Swart as merely to accurately circumscribe the use of the modification concerned and served to avoid any doubt in respect of the use of the modification.

While Mr Maritz was unable to present any countervailing argument to the Court, he appeared singularly incapable to comprehend the import of the historical rule and eventually conceded that his interpretation of the historical rule and the specific inclusion thereof in the 2011 rules was flawed. It appears further that Mr Maritz had succeeded in equally confusing a number of fellow competitors into believing that the express articulation of a historical rule in the 2011 rules somehow constituted a new rule which had been introduced clandestinely and unlawfully without consultation by Mr Swart. It further turned out that while the purported petition/vote of no confidence which Mr Maritz had procured conveyed the objection that the inclusion of the rule had not been discussed at the 2010 AGM, the bulk of the signatories had never attended the AGM; hence no value could be attached to the petition.

The basic inability of Mr and Mrs. Maritz to conceive of the gravity of the situation and the applicable rules is demonstrated by, amongst other indications, their denial that they had purported to prepare an "affidavit" in support of their various flawed contentions notwithstanding that the document is styled as and headed by the word "Affidavit"; however was never commissioned by a commissioner of oaths.

Findings:

The Court found that Mr Maritz is a forceful and disruptive individual who, through his obvious misunderstanding of the rules and his steadfast refusal to be persuaded of his misinterpretation of the matter, his refusal to follow recognised grievance procedures and the influence he exerted on other gullible and equally ill-informed competitors. Mr. Maritz is guilty of contravening GCR 172 (iv), in that he has brought the sport into significant disrepute. The Court hereby expresses its strong disapproval of Mr Maritz's conduct which appears to have been substantially inflamed by Mrs. Maritz.

His competition license is conditionally suspended for 3 years, which penalty is suspended for 5 years on condition that he provides a written apology to MSA for distribution to Challenge competitors in which he withdraws all allegations of improper conduct against the Chairman of the Association and undertakes in future to abide by all relevant competition rules and grievance procedures.

Such apology is to be submitted to MSA by no later than 12:00 on the 12th July 2011 for the attention of the MSA Sport Coordinator responsible for 4X4 Challenge.

Costs are not awarded.

All parties are advised of their rights to appeal to a MSA Court of Appeal

These findings distributed at 09h00 on 11th July 2011

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