



# MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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## MSA COURT OF ENQUIRY 1158

**COURT OF ENQUIRY 1158 HELD TO INVESTIGATE THE ALLEGED BREACH OF GCR 116 AND THE PROCEDURES/ACTIONS TAKEN IN THE ALLEDGED BANNING OF COMPETITORS WILLIE ZURICH, KENNY GOUWS AND CHARLES CARLSON JNR, FROM THE TORC CLUB ULTIMATE RACEWAY**

**HEARING HELD AT MSA HEAD OFFICE AT 18H30 ON 30<sup>TH</sup> SEPTEMBER 2015**

### Present:

Mr Paddy Venske	-	Court President
Mr Alan Kernick	-	Court Member
Mr Eldrid Diedericks	-	Court Member
Mr Kallie Newman	-	Ultimate Raceway Promoter
Mr Charles Carlson Jnr	-	Competitor
Mr Willie Zurich	-	Competitor
Mr Kenny Gouws	-	Competitor
Mr Adrian van Zyl	-	Competitor
Mrs Liza van Zyl	-	Competitor
Mr Graham Niven	-	Witness
Ms Daleen McCrudden	-	Witness
Mr Trevor Moore	-	Observer

### In Attendance:

Mr Wayne Riddell	-	MSA Sporting Manager
Mr Wally Pappas	-	MSA Oval Commission President
Mr Johan Alberts	-	TORC Chief Executive Officer
Mrs Karin Britton	-	MSA Scribe

The court president introduced the members and there was no objection to the composition of the court.

The court had been empowered to determine the issue related to a number of competitors being allegedly banned from racing at Ultimate Raceway.

*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 requested Mr Kallie Newman to explain the procedure followed to the issuing of written notices of the alleged banning of the competitors.

Mr Newman stated that he and a few of the club members had a meeting and decided, because of the competitors driving attitudes, which they felt was not to their satisfaction that they would ban them from racing at their circuit.

Letters were sent to TORC Chairman Mr Alberts for his comment and approval. Mr Alberts accepted the notifications and forwarded them to the competitors. On notification to Mr Wally Pappas of this issue he requested from Mr Alberts that the club should be notified of the shortfall in procedure and follow the correct procedures. On the 12<sup>th</sup> September Mr Pappas corresponded with Mr Alberts with regards to his request, on the 14<sup>th</sup> September Mr Alberts replied that he had requested the club on numerous occasions to rectify the situation but to no avail. Mr Newman denied Mr Alberts statement and said they had requested assistance from Mr Alberts as they were not sure as how to proceed.

It was felt by the court that of all the documentation submitted only three documents were pertinent to this COE. Therefore the court finds as follows:

Findings:

1. The Ultimate raceway have erred by not following the correct prescribed procedures, with regards to banning competitors, as well as not carrying out the correct procedure with regards to the handling of the of competitors due to driving incidents. They have also erred in not being able to tell the court as to what the correct procedures are especially with regards to the contents of GCR 99.i) and GCR 100.
2. TORC have erred in that they have failed to ensure that the club carried out the correct procedures as stated above and also having handed down the penalties to the competitors knowing that the correct procedures had not been carried out.
3. All the competitors erred in that they did not know the correct procedures that should have been carried out and protested or appealed the decisions timeously.
4. One of the longest licenced competitors Mr Willie Zurich (a licence holder for +-35 years) should be well aware of the rules and regulations pertaining to oval racing also erred in not following the correct procedures.
5. In conclusion it is clear to the court that the club, competitors as well to a certain extent TORC's knowledge of the rules is not up to the standard required by MSA. Therefore or the near future any handling of similar issues need to be ratified by the president of TORC as well as the MSA Oval Commission President Mr Wally Pappas before being handed down to the competitors. Mr Pappas would check all these findings for a minimum of 12 months or until he is satisfied that all procedures were being carried out correctly.

6. With regards to the situation of the scoring of club championship points, the court finds that the points should stand. Due to the fact that all the parties are equally to blame for the current situation.
7. The Court sets aside any and all 'illegitimate exclusion' notices issued to the competitors.

All parties are reminded of their rights as per GCR 212 B.

These findings issued by way of email on 9<sup>th</sup> October 2015.

Ref. 160171/098