



MOTORSPORT SOUTH AFRICA

Association incorporated under section 21
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COURT OF ENQUIRY 1066

HELD ON 13TH APRIL 2011, TO INVESTIGATE THE RESULTS OF THE MX3 CLASS AT THE 2011 FULL THROTTLE JNR & SNR MOTOCROSS NATIONAL (RND 2) HELD AT ROVER MOTOCROSS CLUB ON THE 19TH MARCH 2011, IN WHICH VETERAN AND MASTER RIDERS WERE SEPERATED AND ALLOCATED POINTS WHILST THE MX3 CLASS IS A COMBINED CLASS AND POINTS SHOULD HAVE BEEN AWARDED IN A COMBINED CHAMPIONSHIP

PRESENT:	WALLY PAPPAS	COURT PRESIDENT
	ALAN KERNICK	COURT MEMBER
	RALF GEBERT	COURT MEMBER
	ERIC SHULTZ	ESMK TIMING
	ALLAN WHEELER	MSA SPORTING MANAGER
	CARMEN HILL	MSA SCRIBE

The Court was convened to investigate the results of the MX3 class at the 2011 Full Throttle MX event held at the Rover Motocross Club on the 19th March 2011.

The Court members were introduced and there were no objections to the composition of the Court. The Court noted the absence of a representative from EMSK Racing Timing Services, and having established that the relevant summons was correctly issued and sent proceeded in accordance with GCR 220.

THE HEARING:

The Court heard evidence from the MSA Sporting Manager on how the MX3 class was created as well as how a bonus point system was introduced by the MX Commission. In its simplest form, the class is open to riders 29 years and older. Riders 35 years old to 39 years of age receive 1 bonus point per heat whilst riders 40 years and older receive 2 bonus points per heat. The bonus point system is designed to "level the playing field".

The Court received as part of its pack of documents various score sheets as well as documents indicating an incorrect allocation of bonus points in the MX3 class. The Court having considered the documentation noted the obvious mistakes.

To enable the Court to fully understand the situation the Court contacted the representative of EMSK, Eric Schultz telephonically. It was established that he was indeed on his way to the hearing but had incorrectly read the summons and was still some four hours away from Johannesburg. The Court agreed to adjourn and reconvene later the same day.

At approximately 17:45, the Court reconvened. Eric Schultz now in attendance apologized for misreading the summons, and the Court acknowledged his effort to attend the hearing.

Having already had the insight into the structure of the MX3 class, the Court heard evidence from Eric Schultz. Up front it was admitted by Eric Schultz, that there was a scoring problem and that scores allocated in the MX3 class were incorrect.



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, C. Pienaar, B. Sipuka, B. Smith, D. Somerset, L. Steyn, P. Venske – Hon. President : T. Kilburn, Mrs. B. Schoeman

Eric Schultz at this point questioned the terms of reference of the Court in as far as the specific grounds for the Court were concerned. He contended that the grounds were not correct and that he has suggested an amendment to that which the Court should investigate. MSA however had been reluctant to make any changes. Having heard the argument presented, the Court was not swayed and found the terms of reference sufficiently wide, to address the irregular allocation of the incorrect bonus points on the day.

From further evidence led, it appeared an employee of EMSK; one Marco had inadvertently duplicated bonus points at the event. This was the error which then resulted in the problem of MSA receiving incorrect scores. It was suggested that time on an MX race day was chaotic and the allocation of bonus points which was a manual operation meant the operator had to produce results, manually update the bonus points and recapture the results. In the course of doing the normal timing functions as well ,this additional responsibility could result in an unforced error.

Eric Schultz led further evidence that the bonus point system was new to him. He had not been aware of its existence prior to the first round of the Championship in KZN and that it had presented various difficulties. It was counter argued by MSA that there were in fact no problems with the allocation of bonus points from the KZN round in the MX3 class which were also produced by EMSK. The current impasse could simply be attributed to operator error.

It is unnecessary for the Court to expand on the discussion which ensued save to say that it was lively. The Court allowed the discussion to include issues peripheral to the scoring and timing issues it was mandated to investigate, as it was clear that certain elements of the way scoring and timing was undertaken was not clear. The Courts observation in this regard is that a fair amount of uncertainty exists and that in the absence of any hard and fast set of parameters, the relationship between EMSK, MSA, the MSA MX Commission and Organizers is shaky to say the least. What is clear is that no definitive agreement of what is either expected or required exists. The arrangement which seems to exist is loose and open to a variety of interpretations depending on what side of the fence one sits on.

THE FINDINGS:

1. The Court instructs EMSK to correct the results of the MX3 class by correcting the allocated bonus points.
2. The Court requests MSA to republish the results as set out in the applicable regulations.
3. The Court requests MSA to discuss a way forward with the MX Commission in an effort to clear up uncertainties which appear to exist with regard to the current scoring system.
4. Whilst the mistakes made are clearly obvious and admitted to by Eric Schultz, the Court also acknowledges that mistakes can be made. The Court was impressed to see that Eric Schultz had driven from Port Elizabeth to attend the hearing. Further that he had taken the time to highlight the position he found his company in, and to ask for assistance.

COSTS:

Costs in the amount of R500-00 are awarded against EMSK and or Eric Schultz.

All parties are reminded of their right to Appeal to the National Court of Appeal.

Findings distributed on the 15th April 2011 at 09:00