



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1098

ENQUIRY 1098 TO INVESTIGATE THE VARIOUS ALLEGATIONS AT THE NKC KARTING REGIONAL EVENT ON THE 22ND APRIL 2012. HEARING CONVENED AT THE IDUBE RACEWAY CAMPERDOWN KZN ON THE 12TH JULY AT 17H30.

Present:	Sparky Bright	-	Court President
	Roger Stephen	-	Court Member
	Rob Spencer	-	Court Member
	Willie Bloem	-	Clerk of the Course
	David Chaiken	-	Father of Joss Chaiken
	Barbara Chaiken	-	Mother of Joss Chaiken
	Joss Chaiken	-	Competitor
	Ian Upton	-	Witness
	Bob West	-	Witness
	Corrie Bezuidenhout	-	Vice Chairman KZN Kart Club
	Joy Dolinschek	-	Observer
	Andre' Bezuidenhout	-	Observer
Apologies:	Mr. Julian Lurie	-	MSA Steward. Mr. Lurie submitted a written statement to the court.

The President introduced himself and the Court members and asked if there were any objections to the composition of the Court.

Mr. Willie Bloem indicated that he had an objection. He stated firstly that in his opinion the court was unconstitutional as he had not been supplied with the names of the Court President and Court members in terms of GCR 210 and 211.

Secondly he stated that the court could not be convened in terms of GCR 172 as stated in the notice served upon him, saying that this GCR was not relevant and hence the enquiry is unconstitutional.

He was informed by the court the hearing was to proceed in accordance with the provisions of GCR 220 (to the extent that these are relevant). He then stated that he did not recall this clause being in the notice summoning him to appear. The notice was then passed to Mr. Bloem showing him that this clause was in fact in his notice.

Thirdly Mr. Bloem stated that as the MSA Steward was not present, the court could not continue as he felt that he would need to call the MSA Steward as a witness to the alleged incident. He was informed that the MSA Steward Mr. Lurie had supplied a written submission to the court, which was handed to him to read. He stated that nowhere in the MSA GCR's does it state that a written submission could be used. He was again reminded that in term's of GCR 220 that the hearing may proceed to judgment in default of appearance by any party or witness.

The court asked all effected parties to leave the room to discuss Mr. Bloem's objections.

All parties were again summonsed and Mr. Willie Bloem was informed that his objections had been noted but that the court would proceed with the hearing.



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

Mr. Bloem then stood up and stated that in all his years as an official, some 20 or 30 years, he had never had anything like this happen to him. He then aggressively handed his COC licence to the court President and stated that he was finished with Motorsport as it was run like an abortion.

Mr. Bloem and his witness Mr. West left the hearing and the venue.

There were no further objections to the court.

The court then proceeded to hear evidence from all parties.

The Hearing

Mr. David Chaiken who had addressed his letter of complaint to MSA, which was the basis of the COE, was asked to explain each paragraph of the letter to the court and his letter was addressed in point form.

Paragraph 1.

The unforeseen circumstances giving rise to the change of programme for the junior max class was questioned by the court. It appears that it had been raining early in the day and that not all the competitors entered had the correct wet weather tyres to race on. Several competitors then left the circuit, saying that without the correct tyres that they would not be allowed to race. It appears that the weather conditions improved later in the day and that the racing could then proceed on slick tyres. However with not enough competitors to then constitute a regional class, it was apparently agreed to run all the junior max heats later in the day, giving those competitors that had left, the opportunity to return. It also appears that some other competitors were contacted and asked to come to the track to compete even though they had not originally entered for the event in terms of SR 5 and 31.

While SR 33 states that the programme of events may be changed at the discretion of the organisers, it appears that no notices were posted on the notice board regarding this as per SR 10.2.

Paragraph 2.

Mr. Chaiken then explained the paragraph claiming that his son Joss had been abused by the COC Mr. Willie Bloem. It appears that Joss had driven his kart from the scale area to his pit when the COC stopped him shortly before he had reached his pit and shouted at him for driving in the pits. Thereafter once Joss had got out of his kart, he apparently screamed at Joss in such a tone that all visitors, mechanics and competitors in the area could hear. He apparently grabbed Joss by the scruff of his neck and threatened to ban him from the circuit. He then released Joss when other competitors stepped forward.

On questioning the competitor, Joss, he explained that the reason he drove in the pits was due to the change in race programme and that he could not find his trolley at the scale area. It appears that Mr. Bloem thought that Joss was being cheeky when trying to explain his reason. The court was also informed that although it is not the norm, other competitors have also frequently driven in the pits.

Mrs. Chaiken confirmed that this was pretty much the manner in which the events occurred. Mr. Ian Upton who witnessed the incident was of the opinion that the COC thought that Joss was being cheeky and lost his temper with the competitor. He stated that he did not see Mr. Bloem actually grab Joss but that he had at least pushed him.

Mr. Upton also stated that Mr. Bloem had shown aggression toward his 6 year old daughter by shouting at her on the day. After the eruption Mr. Bloem calmed down.

A written statement submitted by another witness who was not at the hearing, Mr. Roger Part, who was a competitor on the day in a different class confirmed that in the midst of the verbal altercation Mr. Bloem obviously did not appreciate something which Joss had to say and then grabbed him by his race overalls continuing to shout rather loudly.

Mr. David Chaiken approached Mr. Bloem and told him that his son, Joss, was not deaf and there was no need to shout at him. He went on to say that this type of behaviour from an official COC from MSA is appalling and unacceptable. He said that he would not like to see this type of action happening to any other competitors.

At this stage Mr. Bloem was not at the hearing to confirm or deny his actions regarding the incident.

Findings

- 1) While the court could not confirm that additional drivers entered the junior max class after it was decided that racing would resume towards the end of the day, the SR'S for the event clearly stated that no entries would be accepted on the day. It is also apparent that while SR 33 allows the organisers the right to change the programme on the day, there was no evidence of any such official notice being posted on the notice board as per SR 10.2.

With regard to driving in the pits, Art 15 vi) a) of the 2012 Karting Regulations, states that 'It is compulsory for all drivers to stop and cut their engines at the entrance to the paddock areas.'

However SR 26 c), states that "Any competition kart using the access roads, pits or any other area than the circuit for testing or being driven in a manner that is considered by the Clerk of the Course to be dangerous ... at the time. This clause is not completed and is rather confusing and is contradictory to the 2012 Kart SSR'S.

The organisers are reprimanded and instructed to carefully check their event SR'S and to make sure that there are no contradictions with the Karting SSR'S or the GCR'S. They are also instructed to make sure that they comply with the relevant SSR'S and GCR'S with regard to changing programmes, maintaining the official notice board etc.

It is also recommended that in view of the tough economic times that the organisers consider reviewing their SR 5 and 33 in terms of GCR 104.

- 2) Competitor Joss Chaiken knew that he was not allowed to drive in the pits. The court understands that the exceptional circumstances that the competitors found themselves in prompted Joss to take this action, but cannot condone the ignoring of the rules. The subsequent altercation with the COC in the pit area would have been avoided had he not taken this decision. He is hereby severely reprimanded and reminded to make himself familiar with all the applicable karting rules and regulations.
- 3) The Clerk of the Course, Mr. Willie Bloem, elected to walk out of the hearing and hand in his COC licence. Notwithstanding the above, the court makes the following findings. From all the evidence led, it is obvious that the COC was overly aggressive towards competitor Joss Chaiken. The fact that he, the COC tried everything in his power to have the COE stopped or delayed and then by handing in his COC licence in an aggressive manner leaves the court with no alternative to rule as follows:

The COC transgressed the following rules:-

GCR 151 iii), the COC is responsible for the safety of spectators, officials and competitors.

GCR 156 vii) to take his own decisions within the limits and scope of his authority.

GCR 172 iv) Any proceeding or act prejudicial to the interest of MSA or of motor sport generally.

GCR 172 vi) Misbehaviour or unfair practice.

With reference to the above and in terms of GCR 146, the COC Mr. Willie Bloem's COC licence is hereby withdrawn until the end of 2012. Furthermore, should he wish to re-apply for his COC licence he would be required to re-write the MSA COC examination.

MSA is therefore instructed that although Mr. Bloem has handed his COC licence in, this may not be re-issued to him before the end of 2012 and thereafter only after successfully writing the COC examination.

All Parties are reminded of their rights to Appeal

These findings were distributed via email on 27th July at 13:30

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