



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1163

ENQUIRY TO INVESTIGATE THE CIRCUMSTANCES WHICH LED TO THE FINAL EVENT OF THE 2015 WESTERN CAPE REGIONAL RALLY CHAMPIONSHIP BEING PLACED AT RISK

HEARING HELD AT THE MSA OFFICE IN CAPE TOWN AT 18H00 ON 28th OCTOBER 2015

PRESENT:

Joy Dolinschek	-	Court President
Arlene Brown	-	Court Member
Clint Rennard	-	Court Member
Brian King	-	CPMCC
Bill Bright	-	CPMCC President
Danie Terblanche	-	CPMCC Chairman
Billy Thorpe	-	CPMCC
Tony Norton	-	Regional Rally Representative
Lizelle van Rensburg	-	MSA Scribe

The Court President introduced herself and the other court members. There were no objections to the composition of the court.

The Court President put forward numerous documents which had been presented to the court. These documents *inter alia* suggested that CPMCC was willing to pay a fine of R10 000 as the club was not in a position to organise the final round of the 2015 Western Cape Rally championship, which would potentially put the said championship at risk.

Mr. Terblanche (CPMCC chairman) said that there had been a change in his personal circumstances during June 2015, which had also led to his withdrawing his assistance with the organisation of the Western Cape round of the National Rally Championship. The court had sight of correspondence confirming same.

The sixth and final round of the Western Cape Regional Rally Championship had been scheduled for 24th October 2015. Mr. Terblanche said that, on 29th September 2015, he had had communications with Mr. Robert Marle and, according to him (Mr. Terblanche) Mr. Marle had agreed to organize the event. Mr. Terblanche stated that all the permissions were in place at the time and that the maps and GPS co-ordinates were sent to Mr. Marle.

Mr. Terblanche mentioned that CPMCC only has three persons on the committee, being himself, Mr. Brian King and Mr. Billy Thorpe. Mr. King stated that he is not part of the organising committee and only fills the portfolios of scorer and treasurer. Mr. Thorpe stated that he is just an ordinary member and not on the CPMCC committee.

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

Mr. Thorpe stated that a rally sub-committee meeting had been scheduled for 01st October 2015 at which he (Mr. Thorpe) had intended to raise the matter of the difficulties the CPMCC found itself in. However said sub-committee meeting had been cancelled. Mr. Thorpe stated that he has no rally organisation experience. He stated that a date change was approved and that the rally was finally organized with the assistance of Kes Naidoo and Derek Jacobs (CCMCC) after consultation with Daan Terblanche and Robert Marle. CPMCC does not have the people (members) to organize an event either then or in 2016.

In reply to a question regarding the number of members CPMCC has, Mr. Terblanche estimated around 30. Mr. Thorpe corrected this, stating that the club has 11 paid up members and 3 life members.

The court requested that CPMCC forward a copy of its constitution and the minutes from its 2015 annual general meeting.

Having heard input from all parties and having perused the volume of correspondence, the constitution and the very vague minutes of the club's AGM the Court records the following:

1. Mr. Robert Marle responded to the request for assistance by Mr. Terblanche the very next day, in the negative due to family commitments.
2. The date of 29th September 2015 was grossly too late to be organising a rally, bearing in mind that SR's are required to be submitted to MSA 6 weeks prior to an event.
3. As the Chairman of the organising club, Mr. Terblanche was remiss in not ensuring and following up that the organization of the event was in hand.
4. As confirmed by Mr. Terblanche, CPMCC was prepared to pay a penalty of R10 000 fine in lieu of organising an event he knew the club to be incapable of organising.
5. Through its actions, or rather the lack thereof, CPMCC exhibited total disregard for the MSA Western Cape Regional Rally Championship and the competitors who had fought so hard during the year for their championship.
6. CPMCC is not compliant with clause 11.1.1 of the MSA Memorandum of Incorporation (relevant extract below for ease of reference).

"11. MEMBERSHIP OF MSA

MSA shall consist of corporate members, these being:

11.1 Clubs and Associations

11.1.1 Properly constituted clubs and associations whose aims and objectives are the promotion and organisation of all or any of the accepted branches of motorsport (competitive motoring or motorcycling) with a minimum number of paid up members of 40 (forty). Provided that one constituted club shall be entitled to only one membership of MSA and branches, divisions, etc. of that club must be separate and direct members of MSA in their own right in order to have a separate vote."

In view of the above, the court finds as follows:

1. CPMCC shall not be allocated any regional championship rally dates for 2016, or until such further time that the club can provide satisfactory evidence that it is capable of hosting such events.
2. CPMCC is fined an amount of R5000 for failing to comply with its obligations in respect of the 2015 event.

The court further recommends to MSA that it suspend CPMCC's affiliation until such time as it is able to exhibit compliance with the provisions of clause 11.1.1 of the MSA Memorandum of Incorporation.

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

These findings are published via email on 02 December 2015 at 10:30.

