



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

www.motorsport.co.za

2nd Floor, Meersig 1, Cnr. Upper Lake Lane & Constantia Boulevard, Constantia Kloof, Roodepoort
e-mail: msa@motorsport.co.za Telephone (011) 675 2220

MSA COURT OF ENQUIRY 1238

HEARING HELD IN THE MSA BOARDROOM, 2ND FLOOR, MEERSIG 1, CNR UPPERLAKE LANE &
CONSTANTIA BOULEVARD, CONSTANTIA KLOOF, ROODEPOORT
ON MONDAY 09TH MARCH 2020 AT 17H30

<u>PRESENT:</u>	Tony Taylor	Court President
	Michael North	Court Member
	Nomkhosi Nharmuravate	Court Member
	Sven Rutte	Court Member
	Hanno Bierman	Defendant
	Pieter De Beer	Defendant
	Dawie Joubert SC	Legal Representative of Defendants
	Johan Van Staden	Legal Representative of Defendants

<u>IN ATTENDANCE:</u>	Adrian Scholtz	MSA Chief Executive Officer
	Vic Maharaj	MSA Sporting Manager
	Poka Lehapa	MSA Sport Coordinator

INTRODUCTION

The court members and attendees were all introduced and no objections were lodged against the composition of the court.

THE HEARING

On 09 March 2020, Motorsport South Africa (MSA) convened Court of Enquiry 1238 (the COE) to investigate allegations of conduct at the TIORC off-road car racing event held in Vryburg on 15 February 2020. The allegations are set out in the notice convening the COE dated 2 March 2020.

Attached to the notice convening the COE are three anonymous complaints.

At the commencement of the hearing of the COE only the two defendants, Mr Hanno Bierman and Mr Pieter De Beer, were present together with their legal representatives. None of the authors of the anonymous complaints were present.

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: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), F. Alibhai, R. Beekum, FC. Kraamwinkel, G. Hall, A. Harri, Dr G. Mills, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Themba, S. Van der Merwe

Whilst the allegations contained in the anonymous complaints are of a very serious nature (the defendants, through their legal representatives, disputed the contents of the anonymous complaints), the COE is unable to take any decision concerning the anonymous complaints.

If MSA convenes a Court of Enquiry in terms of GCR 211, read together with GCR 220 it should ensure that the authors of anonymous complaints attend at the Court of Enquiry.

The principles of natural justice dictate that all parties have a right to a fair hearing, which is both procedurally and substantively fair including the right of the defendants to cross-examine the authors of anonymous complaints or any other witnesses who bore witness to the conduct referred to in the anonymous complaints.

Accordingly, no finding is made against the defendants.

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

These findings are distributed via email on 31 March 2020 at 11:45

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