



# NAMIBIA MOTOR SPORT FEDERATION

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Namibia

## NMSF COURT OF ENQUIRY 01/2018

**HEARING HELD AT THE TONY RUST RACE TRACK AT 18:15 ON 10 APRIL 2018**

PRESENT: Mr B Ferreira	Court President
Mr R Slamet	Court Member
Mr L Du Plessis	Court Member
Mr J Nambahu	WSC C of C (Defendant)
Mr E Snyders	Club Steward (Defendant)
Mr D Jacobs	NMSF Administrator/ Recorder
Mr L Sauls	NMSF Observer

### INTRODUCTION

The Court President opened the Enquiry and asked the defendants if they had any objections to the composition of the Court. There were no objections to the composition of the court.

### THE HEARING

The NMSF convened a Court of Enquiry in terms of GCR 212 to investigate an incident that took place at an event run by Windhoek Spin City(WSC) on the 24<sup>th</sup> February 2018. The Chairman then read the charges to the defendants in order for them to understand why the enquiry was called

- 1) Starting the above event without the prescribed medical requirements. **GCR 144 (iv) and GCR 158(iv)**
- 2) The delay in getting the ambulance from the gate to the scene of the incident
- 3) The non-submission by the Clerk of the Course of the relevant reports and supporting documentation as required in terms of **GCR 143 (ix)a), GCR 158(xx) and GCR 158 (xxi)** after an event i.e. Entry Forms, Indemnities and Day License forms
- 4) The non-submission by the NMSF Steward of the relevant reports as required in **GCR 154 (xviii) and GCR 156 (i)**
- 5) The position of the NMSF Steward at the event

After the charges were read, the NMSF Administrator informed the chairman that Mr Snyders wasn't appointed as the NMSF Steward as referred to in point 5 but he was appointed as the Club Steward by WSC. Point number 5 was corrected.





## EVIDENCE LEAD

The Chairman then proceeded by asking Mr Nambahu what his response to the charges were? Mr Nambahu responded that he was guilty as charged. The Court then asked Mr Nambahu to explain the events that took place regarding the incident at the WSC event?

1. Mr Nambahu started by saying that a competitor was performing a stunt outside a car that was busy doing spinning and as the car went too close to the tyres, the stuntman jumped off the car. In trying to avoid hitting the tyres, the stuntman fell incorrectly, injuring his leg.

The ambulance was called and medic in attendance went to assist the injured stuntman. A doctor that was spectating came to assist the medic with the stabilizing of the patient until the ambulance arrived.

Mr Nambahu continued by saying that there was no ambulance stationed at the event as an ambulance was always on standby and he ensured that there was a medic on site. He also said that he had thought it was okay to do so because since Spinning had affiliated to the NMSF, nobody had informed or guided him as to what the correct procedures were. He said that only since attending the Clerk of the Course Seminar and with the appointment of the administrator who is now checking up on events and requirements, has he become aware of the correct procedures and requirements.

2. The Court asked Mr Nambahu about the delay in getting the ambulance to the injured person?

Mr Nambahu's response was that the ambulance got to the venue quite quickly, but the organizers struggled to get the ambulance inside the venue to the spinning pitch because of the huge number of spectators.

He said that they had to open the fence to get the ambulance inside and this was the reason the ambulance took around 20 minutes from the gate to the injured person.

Mr Nambahu admitted that his risk management and safety plan needed to be reviewed and amended.

3. The Court then proceeded to ask Mr Nambahu about the non-submission of the relevant post event documents and race file despite the NMSF Administrator contacting him and requesting them as the NMSF Office had not been informed about the incident and was getting third hand information about the incident.

Mr Nambahu responded that he was not sure as to which documents had to be submitted despite receiving an email requesting them. The Chairman asked why he did not enquire on receiving the mail.

4. The Court then proceeded to ask Mr Snyders why he had not submitted a Stewards report to the NMSF Office?

Mr Snyders responded that he was not aware that he was to be the Steward on the day at the event. Mr Snyders said that Mr Nambahu asked him to be the Clerk of the Course and not the club Steward. On arrival at the event he asked Mr Nambahu for the paperwork in order to carry out his duty but he was informed by Mr Nambahu that someone else was the Clerk of the Course. At no point was Mr Snyders aware that he was supposed to be the Steward.

The NMSF Administrator added that when Mr Nambahu submitted his SR's for approval, the administrator wasn't satisfied that the person listed as the Steward was sufficiently experienced to be the Steward. The Administrator then contacted Mr Nambahu and informed him of this. Mr Nambahu then



told the Administrator that he was going to ask Mr Snyders to be the Steward for the event. Mr Snyders said that he was never informed of this but was under the impression that he was going to be the Clerk of the Course.

5. With regards to point number 5 of the charges, the court understood that Mr Snyders wasn't the Steward as explained in point number 4.

## FINDINGS

After listening to the facts and responses, the Court members took time to deliberate and arrived at the following findings:

The Court came to the conclusion that there were some mitigating factors as to why Mr Nambahu felt that what he was doing regarding the medical requirements. Having said that, the Court informed Mr Nambahu that ignorance of the rules was no excuse and that he should have made an effort to find the correct information regarding requirements and procedures and also taking into account that WSC had in the recent past joined the NMSF.

The following recommendations are made to the NMSF:

1. Regarding charges number 1 and 2, the Court finds Mr Nambahu guilty and has suspended his C of C license until the end of 2018, however, this suspension is suspended till the end of 2018 and should Mr Nambahu be guilty of similar offences, his license will be revoked, and he will have to rewrite his C of C exam.

In addition to this, Mr Nambahu will remain as a C of C until the end of 2018 but he will act as an understudy to another C of C for WSC events in order to ensure that he becomes familiar with the requirements for events. Mr Nambahu was also instructed to read the rules in order to become familiar with the requirements.

2. Regarding charge number 3, the Court found that Mr Nambahu had no excuse for not submitting the event paperwork to the NMSF Office and this despite the relevant paperwork and reports being requested by the Administrator. The Court felt that if Mr Nambahu was uncertain about the request, he should have contacted the NMSF Office for clarity.

The court therefore fines Mr Nambahu N\$2 400 for the non-submission of the race documents.

3. With regards to points number 4 and 5, Mr Snyders was cleared of all charges as he was not informed by Mr Nambahu of his position on the event as discussed with the NMSF Administrator.

All parties were reminded of their rights to appeal in terms of GCR 215 (B)

**Derek Jacobs**  
**NMSF Administrator**