



# NAMIBIA MOTOR SPORT FEDERATION

P O Box 5483  
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Windhoek  
Namibia

## COMMISSION OF ENQUIRY FINDINGS 02/2017

PRESENT: Mr R Slamet	Court President
Mr B Ferreira	Court Member
Mr G Farmer	Court Member
Mr J Everson	WBMC Chairman (defendant)
Mr A Martin	WBMC Vice Chairman (defendant)
Ms G Naude	WBMC Clerk of the Course
Ms C Havenga	NMSF Steward

## INTRODUCTION

The Court President opened the Enquiry by reading the charge to the defendants in order for them to understand why the enquiry was called.

He also communicated to the WBMC that this was merely an investigation and that the Court was not constituted to make any judgements but merely gather the evidence and refer it to the NMSF Council for consideration and or further action.

## HEARING

A Commission of Enquiry was held on the 09<sup>th</sup> September 2017 at 10H00 to investigate the following charge brought against Walvis Bay Motor Club.

- 1) Whether WBMC was in contravention of GCR 64 during the running of the 1000 Dunes Rally on the 15 July 2017. A correction was made as the notice had the year incorrect.

## EVIDENCE

Evidence was lead by the Walvis Bay Motor club (WBMC) that on the 30<sup>th</sup> of June 2017 they had applied in writing to the Namibian Motorsport Federation (NMSF) to hold a Closed Club Event within the terms of GCR 64 of the NMSF 2107 Handbook and a set of SR,s was submitted accordingly to the Secretary General for approval. The Secretary General subsequently replied by requesting a membership list from the WBMC.

The Chairman of the WBMC subsequently submitted a membership list and the Clubs Constitution to the Secretary General.

On the 4<sup>th</sup> of July 2017, the Chairman of the WBMC sent a letter to the Secretary General asking when they could expect their permit. On the 5<sup>th</sup> July 2017 the Secretary General responded with a letter stating that at a rally consultative meeting held earlier in the year, the NMSF removed the National Status from rallying and that it was stated that all rallies will be Club events and that it will be open to all.





In this letter, the NMSF pointed out to the WBMC that when this decision was taken, the WBMC remained silent as was established on the meeting recording.

WBMC disputed this and pointed out that despite them not voicing their opinion as proven on the recording they never agreed to hosting open events but merely remained silent as the meeting was getting out of hand and people were talking over each other. In addition to this, the Chairman of the WBMC pointed out that had the NMSF wanted an agreement by all Clubs present at the Consultative meeting to host Open Club rallies, the NMSF should have put it to a vote as per rule 4.4 of the NMSF Constitution.

Despite this, the NMSF requested in writing that the WBMC hold an Open Event and subsequently issued the permit. It was also brought to the Courts attention by WBMC that at no time did the NMSF request that they amend their SR's to reflect that the event must be open and that they merely saw the letter as a request and not a condition of the issued permit.

The WBMC also pointed out that despite their request for a Closed event, NMSF permit reflected only a Club Event and not a Closed Club Event and they believed this was due to a short coming of the NMSF Permit generating system and not the NMSF instructing them to hold an Open Event.

The Court then compared the Entry list of the rally against the original membership list as submitted to the NMSF and noticed that there were 10 competitors that were not members. The Court then tried to establish when these members were accepted and what processes were followed.

The WBMC then produced written applications of the 10 non WBMC members and also submitted written evidence that the WBMC Executive had convened prior to the rally as per their Constitution to accept or reject new membership requests. The WBMC also pointed out that the newly accepted members entries were only accepted the Friday night before the rally and an entry list was only drawn up the Saturday morning of the event as most had not paid their entry fee up until then.

In Closing the Chairman of the WBMC stated that it was always their intention to hold a Closed Club Event as per GCR 64 and that they were never party to any agreement to hold open events despite the NMSF claiming the contrary and that the rules allowing for closed competitions is not a new rule and has been in the NMSF Handbook for many years.

## **FINDINGS**

After examining all the verbal and written evidence presented, the Court established that the WBMC did not contravene GCR 64 and that they had followed the correct procedures in doing so. The Court also noted that if the NMSF felt that the WBMC was going against an agreement made at the Consultative meeting, the NMSF should have taken more appropriate steps to ensure that the WBMC adhered to their request to hold an Open Club Event.

The Court was also satisfied that the WBMC had followed procedure when approving, accepting and renewing club memberships and also pointed out that as per the WBMC Constitution, there was no set time periods for accepting new members.

These recommendations of the Court was adopted at a NMSF Council meeting held on the 19<sup>th</sup> September 2017.

**Derek Jacobs**  
**NMSF Administrator**  
**15/09/2017**