



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1145 HEARING HELD IN THE MSA BOARDROOM ON 17th JUNE 2015 AT 17H30

Present:	Wally Pappas	-	Court President
	Alan Kernick	-	Court Member
	Neil Harran	-	Court Member
	Arlene Brown	-	MSA Steward – Present via Skype
	Bertus du Toit	-	Club Steward – Present via Skype
	Shameer Variawa	-	Complainant/Protestor
	Hanifa Variawa	-	Complainant's wife/Witness
	Vaughn Williams	-	Complainant's Representative
	Wayne Riddell	-	MSA Sporting Services Manager
	Allison Atkinson	-	MSA Scribe

INTRODUCTION

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

THE HEARING

Mr Variawa's complaint emanated from a national karting event held at the Killarney karting circuit in Cape Town in April 2015. Mr Variawa's son, Saood, had been participating in two classes on the day, namely Mini Rok and Maxterino. Mr Variawa's complaint revolved around his view that delays by the Stewards in dealing with a protest from him in connection with the Mini Rok class had led to his son missing one of his Maxterino races, thereby being compromised.

During the hearing it became apparent that a misunderstanding had arisen between the Stewards and the protestors (Mr Variawa and his son) regarding the timing of the hearing of the protest. The Stewards felt that they had made it clear to the protestors when they needed to present themselves for the hearing, while the protestors had been under the impression that they would be phoned by the Stewards when they needed to present themselves. The Stewards admitted to having been irritated by the failure of the protestors to arrive for the hearing at the designated time, and therefore blamed the protestors for the delay in starting the hearing. The protestors had eventually reported for the hearing when phoned by the Stewards.

Mr. Variawa felt that the Stewards' had been rather harsh in their approach towards him and his family when they had presented themselves for the hearing. He felt that, as competitors, they deserved to be treated with respect by the officials. Mr Variawa added that, at the start of the protest hearing, he had advised the Stewards that Saood needed to go out for his next race.

The Stewards told the court that they had asked the protesters at the time if they wanted to go and get the driver (Saood) ready for his next race. The Stewards further stated that they had been told that the driver (Saood) was in fact at his kart and ready to race. This evidence was never denied or rebutted by the complainant during the court of enquiry.

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 – Hon. Presidents: T. Kilburn

The stewards felt that at no time had they been rude to the protestors, albeit that that they had been irritated by their failure to arrive for the hearing at the expected time.

FINDINGS

The Court finds that the Stewards' actions or omissions in connection with the protest hearing cannot be considered to have prejudiced competitor Saood Variawa. The Stewards' admitted irritation on the day may have caused them to come across as more hostile than intended and they are advised to bear this in mind in their future dealings with competitors. Lastly, the court stresses the necessity for protests to, at all times, be dealt with as soon as is practically possible.

The court makes no order with regard to costs in this matter.

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

These findings were distributed at 10:00 on the 7th July 2015