



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1237 HEARING HELD OVER ZOOM ON WEDNESDAY 20 MAY 2020 AT 18H00

Present:	Tony Taylor	-	Court President
	Richard Leeke	-	Court Member
	James Mahope	-	Court Member
	Retlafenya Ramphenyane	-	Court Member
	Dick Shuttle	-	Karting Commission President
	Wayne Riddell	-	Clerk of Course
	Anthony Rofail	-	Defendant
	Scott Falconer	-	Complainant
	Mauro Munari	-	Witness
In Attendance:	Allison Vogelsang	-	MSA Scribe
	Vic Maharaj	-	MSA Sporting Services Manager

INTRODUCTION

The court members and attendees were introduced, and no objections were raised against the composition of the court. The Court president enquired if the Complainant, Scott Falconer, and the Defendant, Anthony Rofail, had any objection to the Court procedures being held electronically via the Zoom online platform and both expressed assent.

PREAMBLE

The hearing revolves around an altercation between Mr Rofail and Mr Falconer after the Rok Karting event held at Zwartkops on 22nd February 2020. During the reported altercation, it was alleged that Mr Rofail physically assaulted Mr Falconer and both parties engaged in the use of a fair amount of profanities.

THE HEARING

Mr Falconer testified that he was approached by Mr Rofail following an on track incident between himself and Ms Fabienne Lanz. It was further alleged that Mr Rofail was physically aggressive towards Mr Falconer while both parties also used a fair amount of profanities against each other.

Mr Rofail, in his testimony, concentrated largely on what had led up to the altercation which appeared to be an attempt to prove that he had been provoked.

He also stated that he had asked for certain witnesses to be called who were not present. Mrs Vogelsang informed the court that neither of the witnesses were prepared to attend as they were not witness to the altercation between the parties. Mr Rofail was repeatedly informed that the Court had been convened to address his alleged behaviour in the altercation with Mr Falconer and that the incident/s leading up to it had no bearing on the matter at hand. When enquired by the court, Mr Rofail confirmed that Ms Lanz did not exhaust

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

her rights on the day with respect to the alleged driving incident between herself and Mr Falconer. He further responded that Ms Lanz had approached MSA on the Monday following the event but no action has been taken to date. The court emphasized to Mr Rofail that Ms Lanz had not approached the CoC nor spoken to the Stewards and as such, had not exhausted her rights on the day and therefore could not legitimately expect a Court of Enquiry.

During his testimony Mr Rofail repeatedly told the Court that he “was not going to stand by and allow Ms Lanz to be pushed off the circuit”.

When Mr Rofail was asked whether he could provide evidence to the contrary against Mr Falconer’s allegations, Mr Rofail’s response was that “it was all just rubbish”.

Mr Mauro Munari, a witness to the altercation, confirmed Mr Falconer’s version of events.

FINDINGS

The court was satisfied that Mr Rofail had breached GCR 172 iv) which reads as follows:

Any proceeding or act prejudicial to the interests of MSA or of motorsport generally shall be deemed a breach of the regulations and disciplinary action may be taken against offenders. By way of clarification, it is confirmed that the following shall be included in the definition of “prejudicial acts” as per the above:-Intimidation, either on track or off track.-Verbal and or physical abuse.

- Mr Rofail, by his own admission, had used “profanities”;
- From the testimony of the complainant and the witness, Mr Rofail had physically abused the complainant;
- Mr Rofail’s threats that Mr Falconer was “due for a head butt and would be receiving it soon” amounts to intimidation.

The court also felt that Mr Falconer had contravened GCR172 iv) due to his own admission that he had used profanities in his conversation with Mr Rofail.

1. Mr Rofail is hereby:
 - a. Severely reprimanded.
 - b. Fined R2000.
 - c. His competition licence is suspended for a period of twelve months.
 - d. The fine, (1(b)), and the licence suspension, (1(c)), are however suspended for a period of eighteen months provided that Mr Rofail is not found guilty of any further contraventions of GCR172 iv).
 - e. Ordered to pay administrative costs of R1000.
 - f. Reminded that, other than if he is acting as the entrant for another competitor, he has no right whatsoever to act on that competitor’s behalf.
2. Mr Falconer is hereby:
 - a. Reprimanded.
 - b. Reminded that the use of profanities is not acceptable in motor sport.
3. Both parties are reminded that there is a documented process to follow in the event that they feel aggrieved.
4. MSA are requested to instruct Clerks of the Course, in their driver or riders briefings, to clearly set out the basic processes to be followed.

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

These findings are distributed via email on 12 June 2020 at 13h00