



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1243

Hearing held in the ATS Boardroom, 30 Schoongezicht Street, Bergbron at 17h30 on 16th November 2020.

Present:	Tony Taylor (by Zoom)	-	Court President
	Richard Leeke	-	Court Member
	ADV Nomkhosi Nharmuravate	-	Court Member
	Tinus Snyman	-	Defendant
	Chris Adams	-	Witness
	Malaika Motlekar	-	Witness
	Eldrid Diedericks	-	MSA Steward
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 apologised for not being physically present but he was experiencing flu-like symptoms and rather than run the risk of infecting anyone had opted to join the hearing via Zoom. No objections were raised in this regard.

THE HEARING

The hearing was convened to investigate an alleged comment made by Mr Snyman during a protest hearing held on 24th September 2020 where he allegedly referred to Mrs Motlekar's team in derogatory terms, i.e "can I ask the monkey gallery".

Mr Diedericks then addressed the court and confirmed that this had occurred and played back a recording of the incident.

Mr Snyman, in his address to the court, acknowledged that he had used the term and offered his "profuse apologies" and, in his defence, explained that English was not his home language and he had meant to say the "peanut" gallery.

Mr Chris Adams, a witness for Mr Snyman, addressed the court and testified that the protest hearing had been handled very badly by the MSA Steward, commenting that:

- 1 There were a lot of people in the room;
- 2 Offensive and rude remarks were being bandied about; and
- 3 This created a very frustrating atmosphere which aggravated what was already a tense situation.

MOTORSPORT SOUTH AFRICA IS THE ONLY RECOGNISED MOTORSPORT FEDERATION IN SOUTH AFRICA



Directors: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), R. Beekun (Financial), Mrs. D Abrahams, A. Harri, M. Hashe, FC. Kraamwinkel, Dr G. Mills, C. Oates, R. Schilling, Ms M. Spurr, S. Themba

Mrs Motlekar was then asked whether she had found Mr Snyman's comment offensive and, if so, on what grounds. Mrs Motlekar replied that she had found Mr Snyman's comment extremely offensive, to the point that she had suggested to her husband that criminal charges should be laid. The comment was, in her opinion, racist and offensive.

FINDING

By his own admission, Mr Snyman had used the term "monkey gallery" and this was directed at the Motlekar team. It is this Court's opinion that the term is deeply racist and offensive and a contravention of both the introduction to the MSA General Competition Regulations, page 4, which contains the statement:

MSA refrains from manifesting racial, political, gender or religious discrimination in the course of its activities and requires the same of its member bodies, officials and competitors.

as well as GCR 172, which reads as follows:

BREACH OF RULES

Any of the following offences in addition to any other offences specifically referred to previously or hereafter, shall be deemed to be a breach of these rules.

- iv) Any proceeding or act prejudicial to the interests of MSA or of motor sport 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.
- The distribution/publication via e-mail, cell phone text message or internet website and social media of comments which may be deemed abusive and/or slanderous and/or demeaning and/or inappropriate.
- Acts (including comments and or gestures) which would reasonably be considered by the general public to be offensive or inappropriate.

Therefore:

1. The court fines Mr Tinus Snyman the sum of R50,000 (fifty thousand Rand) of which 60% (sixty percent) is suspended for the period from the date that these findings are first published through to 31st December 2021, the import of said suspension being that should Mr Snyman be found guilty of any contravention of GCR 172 or the standards prescribed in the GCRs at page 4, detailed above, then the suspended portion of the fine will become immediately payable to MSA. The balance of the fine must be paid to MSA as per GCR 180.
2. Mr Snyman is further instructed to write a letter of apology to all South Africans repeating what he informed the court and such letter will be published on the MSA official website. This letter must be submitted to MSA within 7 days from the date that these findings are first published.
3. Officials are reminded that GCR 202 stipulates "*While protest hearings are of necessity informal, it is stressed that order must be maintained.*" It was obvious from the evidence led and the lack of rebuttal from the MSA Steward that this was not achieved. The MSA Steward, Mr Eldrid Diedericks, is therefore strongly reprimanded.
4. There were a number of allegations made during the course of this hearing but it is this court's understanding that they will form part of a separate Court of Appeal and thus makes no comment on said allegations.

5. Court costs in the amount of R2000.00 are levied against Mr Tinus Snyman.

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

These findings are distributed via email on 25 November 2020 at 14h30

Ref. 162319/158