



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1263

HEARING WAS HELD VIA ZOOM ON 17 MAY 2023 AT 17H45

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|--------------------|------------------------|---|-------------------------------|
| Court: | Mr Steve Harding | - | Court President |
| | Ms Miranda Du Plessis | - | Court Member |
| | Mr. Mark Cronje | - | Court Member |
| Attendance: | Mrs Jackie Schreiber | - | Assistant Clerk of Course |
| | Mrs Marlene Swanepoel | - | Clerk of Course |
| | Mr Eldrid Diedericks | - | MSA Steward |
| | Mr Garth Waberski | - | KMG Chairman |
| | Mr. Vic Maharaj | - | MSA Sporting Services Manager |
| | Mrs. Allison Vogelsang | - | MSA Circuit Sport Coordinator |
| Apologies: | Ms Gertie Eksteen | - | Defendant |
| | Mrs Vanessa Wood | - | Club Steward |

BACKGROUND

1. These are the findings of a Court of Enquiry called by Motorsport South Africa (MSA) to investigate the circumstances surrounding allegations that the Chief Marshal allowed the entry of a recovery vehicle onto a live racetrack and caused a red flag to be issued without the express approval of the Clerk of the Course during round 3 of the MSA Rotax Max Regional Championship event held on 15 April 2023 at the Formula K Kart Circuit in Gauteng.
2. The hearing was held electronically utilising the Zoom platform. The chief marshal, Ms Gertie Eksteen, did not participate in the hearing having submitted a statement and an apology. At the commencement of the hearing the court enquired as to whether there was any objection to the constitution of the court and no such objection was offered.
3. It is important by way of background to note that this race meeting took place shortly after an extremely serious incident involving a collision between a recovery vehicle and a competing kart a few weeks earlier. The full circumstances relating to this incident are recorded in the findings of MSA Court of Enquiry 1261.

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



sport, arts & culture

Department:
Sport, Arts and Culture
REPUBLIC OF SOUTH AFRICA

Directors: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), R. Beekun (Financial),
Mrs. D Abrahams, Mrs. D. Ballington, K. Govender, M. Hashe, FC. Kraamwinkel, C. Oates, S. Themba, G. Waberski
Honorary President: R. Schilling

4. GCR 220 expressly empowers this court to proceed to judgement in default of appearance by any party.

THE FACTS

5. The initial allegations of the improper actions of the marshal were contained in the stewards' report filed by the stewards of the meeting, Mr Eldrid Diedericks and Mrs Vanessa Wood. The court requested Mr Diedericks to give clarity in relation to the reasons for the comment made on the stewards' report, that the "chief marshal should take instructions from the COC (red flag and recovery vehicle)".
6. Mr Diedericks testified that because of the incident referred to in paragraph 3 above took the precaution of having a discussion with the Clerk of the Course, in regard to the circumstances and procedures to be adopted in relation to the entry of support vehicles onto the circuit on the basis that this would only be undertaken on the express authority of the clerk of the course. The clerk the course, Mrs Marlene Swanepoel, confirmed that she had conveyed this instruction to the chief marshal. Mr Diedericks testified that the chief marshal had allowed support vehicles onto the track on multiple occasions without the authority of the clerk the course. In one particular instance a red flag was called and an ambulance dispatched by the chief marshal without the authority of the clerk the course.
7. At the time of the latter incident the clerk the course testified that she was busy with a hearing and that the racing was being conducted under the supervision of Mrs Jackie Schreiber, an assistant clerk of the course, who was at the time in charge of race control. The clerk of the course confirmed that she did not authorise the issue of this particular red flag, or the entry of the ambulance onto the circuit. The issue of red flag is expressly reserved to the clerk the course in terms of Article 4 of appendix H to MSA's GCRs.
8. The court heard from Mrs Schreiber, that she was in control of the racing at the time, and that she had neither authorised the issue of the red flag nor the entry of the ambulance onto the circuit.
9. The chief marshal in her statement alleged that these actions were properly authorised. In her absence and given the testimony of Messrs, Diedericks, Swanepoel and Schreiber we accept the evidence of the latter parties over the bald denial by the chief marshal.

CONCLUSION AND FINDINGS

10. Having concluded that the chief marshal did in fact authorise the entry of a support vehicle onto a live circuit without the authority of the clerk of the course, or her assistant, then in charge of race control, and did issue a red flag similarly without authority, it is for us to impose an appropriate sanction.
11. We direct that the chief marshal, Ms Gertie Eksteen, be prohibited from holding a Grade 9 or 10 marshals grading as provided for in GCR 172 j) which would permit her to act as chief marshal or deputy chief marshal, and further prohibited from so acting for the remainder of the 2023 season and until the conclusion of the 2025 season.

The parties are reminded of their rights as per GCR 212 B

The findings are issued by email 23 May 2023.

Ref: 163032/098