



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF ENQUIRY 1265

HEARING HELD VIA ZOOM ON MONDAY 17TH JULY 2023 AT 18H00

Court composition:	Mr Steve Harding	-	Court President
	Mr Greg Higgins	-	Court Member
	Mr Anthony Taylor	-	Court Member
	Ms Samantha van Reenen	-	Court Member
In Attendance:	Mr Giniel de Villiers	-	Defendant – Driver of Car 200
	Mr Dennis Murphy	-	Defendant – Co-Driver of Car 200
	Mr Shameer Variawa	-	Defendant – Entrant – SVR/Hallspeed
	Mr Joe Fourie	-	Clerk of the Course
	Mr Mike Lawrenson	-	Competitor Relations Officer
	Mr Archie Rutherford	-	CEO SARR – Event Organiser and Promoter
	Mr Vic Maharaj	-	MSA Sporting Services Manager
	Ms Karin Britton	-	MSA Snr Operations & Sport Coordinator
	Mr Poka Lehapa	-	MSA Scribe

THE HEARING:

1. These are the findings of a court of enquiry convened by Motorsport South Africa in terms of the provisions of GCR 211, into an incident involving car number 200 of South African Rally Raid competitors, Giniel de Villiers and Dennis Murphy, and a spectator during the TGRSA Desert Race 1000 held in Botswana on 23rd to 25th of June 2023.
2. At the commencement of the hearing, which was held digitally using the Zoom platform, the parties were asked whether there was any objection to the composition of the court as appointed by MSA. No objection was received and the matter proceeded accordingly.
3. This court was convened after MSA became aware of videos circulating on social media which apparently showed a possible collision between the vehicle in question and a spectator on the morning of Saturday 24 June 2023. MSA and various other parties to this hearing only became aware of these videos and the alleged incident on the Monday following the event.
4. The 2 short videos both appear to have been shot using a cell phone and are of poor quality and afford little understanding of what might have taken place. The first video depicts a spectator wearing a white

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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

hat jumping up and down in the road as car number 200 approaches an intersection, depicted in the road book of the event, where the competitors are required to make an acute turn to the left. It then depicts the ground, before showing a man in a red hat who appears to have fallen onto his back ahead of the approach of the car. The upper torso of the man is clearly away from the right-hand side of the car, but it is difficult to see whether the car may or may not have run over his legs. The end of this video appears to show him getting up and walking. The 2nd video which appears to have been taken by a man standing on the back of a pickup truck at the intersection is even less clear and adds nothing to the understanding of the incident beyond what is recorded above.

5. We are of the view that the most likely cause of the incident was the spectator attempting to move backwards out of the road to avoid the approaching car. We were furnished with extracts of the GPS track of the vehicle in question, with the speed of the vehicle indicated at one second intervals. At the slowest point in this intersection the vehicle was travelling at 10 km/h, and it is likely that, if any collision took place, it took place at a very low speed.
6. During the hearing it was determined that car 200 was the first car on the road on the Saturday morning. The previous day, during the prologue, the route at this point proceeded straight. It is possible that the spectators at this junction expected the competitors to go straight again and that they may not have been aware that the route changed from that of the previous day and that the competitors were going to make a hairpin turn to the left at that point.
7. The court heard from Mr De Villiers and Mr Murphy, that they were entirely unaware of this incident at the time of its occurrence. It was not included on any incident report given that they were unaware thereof, and similarly, the clerk of the course, event officials, and the event organiser and promoter were oblivious to the incident until the video emerged on social media.
8. Competitors in the event, and incidentally the series, are not obliged to have on-board cameras and the court heard from the co-driver of car 200, that although they had a camera in the car it was not switched on at the time of the incident because until that point in the route it was common with the previous day's route. It is apparently practice not to shoot duplicated portions of the route to save space on the recording media.
9. The promoters and organisers of the event assured the court that they had made every endeavour to locate the spectator involved in the incident, including making enquiries from the local hospital as to whether anyone had been treated for injuries sustained in a collision with one of the competing cars.

CONCLUSION AND FINDINGS:

10. This court accepts that the competitors had no knowledge of the incident in question and that accordingly there had been no breach of the regulations on their part. The court accepts further that the promoters and organisers of the event had taken appropriate steps to endeavour to ascertain what may have occurred in this incident and to identify the spectator involved.
11. The court heard hearsay evidence that the person involved was not seriously injured and did not want himself to be identified because he was concerned that he might be blamed for the incident, and its possible repercussions, by the Botswana authorities.
12. While we are satisfied that there is no fault on the part of either the competitors, the organisers or promoters that is not the end of the enquiry. From not only the videos relating to this incident, but also from other videos relating to the event, and the observations of various parties at the enquiry including the competitors, it is clear that spectators are at risk on this event.

13. The event is an extremely popular event in Botswana attracting large crowds, this is particularly so as this was the first time the event returned to Botswana since 2019 after an absence occasioned by the Covid-19 pandemic. Large numbers of spectators are behaving in ways which are unacceptable and incompatible with appropriate levels of motorsport safety. Conduct such as standing in the road and moving out of the way at the last possible minute, filming with cell phones, often from extremely close to the edge of the road, and large groups of spectators close to the road, in inappropriate locations such as the outside of a bend, render the risk of serious spectator injury unacceptably high.
14. Clearly the organisers and promoters will have to undertake an extensive review of the management of spectator safety going forward. It is not the place of this court to be prescriptive in this regard but there is a clear necessity for both spectator education as to the risks involved and improved safety management on the part of the promoters and organisers. If such measures cannot be implemented to bring the risk down to an acceptable level it will be necessary to consider whether this event in Botswana should continue to be incorporated into the championship.
15. The court therefore directs that the promoters, SARRC, should submit a detailed and comprehensive proposal of the steps which will be adopted to mitigate the risk of spectator / competitor incidents on this event, if it is again to be held in Botswana, and manage the risk to an acceptable level. This proposal should be submitted to MSA for approval before any decision is made to return to Botswana.

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

These findings are distributed via email on 28 July 2023.

Ref: 163051 / 098