



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1245

HEARING HELD IN THE ATS BOARDROOM, 30 SCHOONGEZICHT STREET, BERGBRON AT 17H30 ON
24TH NOVEMBER 2020.

Present:	Tony Taylor (by Zoom)	-	Court President
	Richard Leeke	-	Court Member
	ADV Nomkhosi Nharmuravate	-	Court Member
	William Mailula	-	Defendant
	Tumi Mailula	-	Defendant
	Kamal Moerat	-	Defendant
	Tasneem Moerat	-	Defendant
	Shaheen Goolam	-	Mechanic for Mr Mailula
	Wally Pappas	-	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 HEARING

The hearing was convened to investigate complaints received from the MSA Steward, Mr Wally Pappas, and Mr William Mailula regarding an alleged altercation between Mr William Mailula and Mr Kamal Moerat, as well as persons associated with them at the Africa Open event held on 15th November 2020. It is alleged that, by their conduct, the parties concerned were guilty of breaching the motorsport regulations in terms of GCR 172 iv) and vi).

Mr Wally Pappas was asked to address the court and inter alia stated :

1. Competitor 627, Moerat, was repeatedly asked to stop shouting at the Officials;
2. As the camera footage was proving difficult to retrieve and the atmosphere was becoming quite heated it was decided that the hearing should be reconvened at a different venue once the footage was available;
3. On leaving the venue there was an altercation between Mr Mailula and Mr Moerat – “a heated exchange,” is how Mr Pappas described it;
4. Mr Pappas then heard a lot of screaming coming from the food court area and, on investigation, found three people in the midst of a screaming match. They were identified as the father of Competitor 627 (Moerat), a lady (later identified as Mrs Moerat) and the mechanic of Mr Mailula, Mr Shaheen Goolam.

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



Department:
Sport, Arts and Culture
REPUBLIC OF 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

Mr Mailula then addressed the court and stated that Mr Moerat, in the Stewards office:

1. Screamed and swore at him;
2. Threatened to assault him – “*he is going to moer me*”;
3. Mr Moerat and his son were shouting and verbally abusing the MSA Steward;
4. Once outside, Mr Moerat used foul language and continued to insult him (the exact language used is not repeated in these findings but is contained in the written complaint submitted by Mr Mailula);
5. Mr Moerat told everyone that karting is a “*shit*” sport and the officials and sponsors can do whatever they like because he does not care.

Mr Moerat, in response, agreed with what had occurred and did not deny any of the allegations. He did question Mr Pappas and asked him if he had heard the verbal abuse he had supposedly aimed at Mr Mailula. Mr Pappas’ response was that there was an altercation but that he had not been able to hear what was being said as he was busy with other issues.

Mr Shaheen Goolam confirmed what Mr Mailula had told the court.

FINDING

It is obvious that there was a lot of emotion and tension following a protest submitted by Mr Mailula on behalf of his son Reagile Mailula against the alleged reckless and careless driving of competitor 627, Mohammed Moerat.

The court has no doubt that Mr Moerat and his team are guilty of using foul and intimidatory language against Mr Mailula, his team and the MSA Steward.

Mr Moerat and his team have contravened GCR172 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.

The court, after deliberation, could not take the comment “*you people*” to be racist, it may well be offensive and Mr Moerat is cautioned to avoid using generalised statements towards any group of people specifically if that group are of a different culture, colour or creed.

Therefore:

1. The court fines Mr Kamal Moerat and his team the sum of R20,000 (twenty thousand Rand) of which fifty percent is suspended for the period from the date that these findings are first published through to the 31st December 2021, the import of said suspension is that should Mr Moerat or any member of his team be found guilty of any contravention of GCR172 iv then the amount suspended will become immediately payable to MSA.

2. 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. Therefore, the MSA Steward, Mr Wally Pappas, is cautioned to ensure that protest hearings, where he is involved, are to be orderly.
3. Court costs of R2000 are levied against Mr Kamal Moerat and his team.

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

These findings are distributed via email on 4 December 2020 at 12h00

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