



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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MSA COURT OF APPEAL 482

HEARING WAS HELD VIA ZOOM ON 18 JUNE 2024 AT 18H30

Court:	Mr. Neville Townsend	-	Court President
	Ms. Nthabiseng Motise	-	Court Member
	Mr. Mark Cronje	-	Court Member
In Attendance:	Mr. Keegan Campos	-	Appellant
	Mr. Anthony Taylor	-	SATC Driver Conduct Official
	Ms. Arlene Brown	-	Clerk of the Course
	Mr. Luan Oelofse	-	MSA Steward
	Ms. Amanda Coetzee	-	Club Steward
	Mr. Vic Maharaj	-	MSA Sporting Services Manager
	Ms. Samantha Van Reenen	-	MSA Sporting Services Manager – Cars, Karting and Legal
	Mrs. Allison Vogelsang	-	MSA Circuit Sport Coordinator
Apology:	Mr. Bradley Liebenberg	-	Respondent

JUDGEMENT

INTRODUCTION

Motorsport South Africa (“MSA”) convened a formal court of appeal in terms of the provision of GCR 212(A)(i) to investigate all aspects of the appeal lodged by Mr. Keegan Campos (Competitor #3) regarding the outcome of a protest lodged by Mr. Bradley Liebenberg (Competitor #12) at the National Extreme Festival held on the 11th - 13th April 2024

The appeal was convened in terms of rule 212 of the MSA General Competition Rules (“GCR’s”). The appeal was held virtually (“zoom”) and no objections were raised to the composition of the court.

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, Ms. T. Human, FC. Kraamwinkel, Mrs. S Labuscagne Jonck, M. Rowe, G. Waberski
Honorary President: R. Schilling

2. PRECIS

a. Common cause statements regarding the event were read to all attendees and all agreed that these aspects are not in dispute and were the basis and summary of the incident:

- | | | |
|--------|------------------------|---|
| i. | Event | National Extreme Festival |
| ii. | Date | 11th – 13th April 2024 |
| iii. | SR PermitMSA | 17575 dated 6th March 2024 |
| iv. | Status | Club / Regional / National /National Challenge |
| v. | Venue | Kyalami Grand Prix Circuit |
| vi. | COC | Arlene Brown |
| vii. | MSA Steward | Luan Oelofse |
| viii. | Club Steward | Amanda Coetzee |
| ix. | Driver Conduct Officer | Anthony Taylor |
| x. | SSR Applicable | MSA SATC and Supacup Championship |
| xi. | Circular Applicable | Circular 3, Article 25 dated 13th March 2024 |
| xii. | 13 bulletins issued | |
| | • #1 | Fuel Stipulation |
| | • #2 | Officials Appointment & Tyre Stipulation |
| | • #3 | Scales information |
| | • #4 | Riders briefing and times |
| | • #5 | Polo Cup qualifying information |
| | • #6 | VW Challenge minimum weight |
| | • #7 | Drivers briefing, flags and rolling start information |
| | • #8 | SATC & Supacup qualifying information |
| | • #9 | Rolling start information |
| | • #10 | Change of program |
| | • #11 | Formula Vee heat information |
| | • #12 | General / VW heat cancel |
| | • #13 | ZX10 Masters information |
| xiii. | Applicable Race | Race 1 |
| xiv. | Applicable result | Race 1 @ 10:35:06 and subsequent revised result |
| xv. | Incident Report | Received from Bradley Liebenberg @ 11:03 |
| xvi. | DCO decision | signed @ 14:30 |
| xvii. | Decision | No Action and was viewed as a racing incident |
| xviii. | Race time #12 | 10:35:06 + 16 min (Liebenberg) = 10:51 |

xix.	Race finish time	10:51:27
xx.	Results printed	10:57
xxi.	Timeframe	10:51 to 11:03 = 12 minutes
xxii.	Protest Received	Bradley Liebenberg @ 14:58
xxiii.	Stewards' decision	signed @ 15:01
xxiv.	Timeframe	14:30 to 14:58 = 28 minutes
xxv.	Decision	Keegan Campos was found guilty of transgressing Art 25

- b. The highlighted aspects of this court to investigate:
- Whether Circular 3 of 2024 was transgressed by driver #3,
 - Whether the DCO decision was correct
 - Whether the Stewards' decision was correct

3. THE PHYSICAL EVIDENCE PRESENTED:

- a. The court was provided with sufficient evidence regarding all of the above investigations.
- b. The court was provided with video footage however additional footage was requested from driver #33 and #12. Only driver #33 supplied additional footage.
- c. The court was provided with the real time finishing order from the official timing provider.
- d. The court was provided with good quality images.
- e. The court was provided with a comprehensive court bundle detailing:
 - i. The Incident report with findings
 - ii. The protest and findings of the Stewards and penalty form
 - iii. Images of the alleged area of transgression;
 - iv. Proof of payment (R5000);
 - v. Formulated Letter of request to MSA requesting leave to appeal;
 - vi. Letter of leave to appeal granted by MSA;

4. VERBAL EVIDENCE

- a. Mr. Liebenberg was not present at the court of appeal however he did submit a statement a few minutes prior to start of the hearing. His statement was read to the court.
- b. Mr. Liebenberg also submitted video footage a few minutes before the court commenced however this was deemed inadmissible as all parties had adequate time to submit their video footage as per email request dated 05/06/2024.

- c. Mr. Liebenberg's statement indicated a track drawing and transition path for drivers #3, #12 and #33.
- d. Mr. Campos gave evidence that he did not intentionally cause driver #3 to drift wide and that caution was applied by staying on the inner race line.
- e. Mr. Taylor argued that the incident as a whole was seen as a fair racing incident as per Article 25 and that T1 on lap 1 generally attracts a nudge and a bump in circuit racing.
- f. Mr. Taylor further stated that he is of the opinion that Mr. Campos has not transgressed Article 25
- g. Mr. Oelofse gave evidence that on viewing the video footage that Mr. Campos had nudged Mr. Visser from the rear causing a disadvantage. Mr Oelofse indicated he was of the opinion in the video footage that the right turn on the steering wheel by driver #3 was an intentional drift.
- h. Mr. Campos also stated that the damage to the right suspension of driver #12 was caused by a separate incident.

5. ASSESSMENT OF THE EVIDENCE

- a. The evidence that was provided to the court was scrutinised and by virtue of an in-depth review of the footage, the court could not find any intent by driver #3 to transgress Article 25
- b. The footage was scrutinised during the court of appeal and it was clear that driver #3 could not have avoided or intentionally caused the damage to driver #12 vehicle.
- c. Driver #33 shows sufficient caution during phase 1 of the corner all the way to the exit of the corner and exited in the middle of the track leaving sufficient space.
- d. Driver #12 was "sandwiched" in the middle of driver #3 and #33

6. FINDINGS OF THIS COURT OF APPEAL

- a. Whilst it is the duty of the court to ensure that the regulations are adhered to, it is also the courts duty to ensure that evidence presented as aptly scrutinized in order to deliver a sound finding.
- b. The video evidence presented was conclusive and the court is unanimous in its finding.
- c. The initial results are to be reinstated
- d. The appeal is upheld and the appellant refunded the amount less 10%

7. RECOMMENDATIONS

- a. The Incident Report and Protest and Penalty forms need to be amended to indicate
 - i. Race/Heat #
 - ii. Competitor #
- b. A DCO findings form must be created for the DCO official.

- c. The DCO name and licence needs to appear on the SR's.

8. SUMMARY

- a. All attempts need to be made to ensure that MSA effectively adjudicates over the regulations pertaining to the various motorsport racing facets.
- b. Ultimately motorsport racing is a competition sport therefore rules and regulations define the parameters for competitors to compete safely and fairly.
- c. Whilst GCR 197 stipulates the right to protest and Article 25 allows certain rights to the Driver Conduct Officer, the sentiments of fair racing attributes need to be kept in mind
- d. It is fair to accept, as per Article 25 under penalties:
 - i. *Should only minor contact be made between the leading and challenging competitors (eg mirror lost or a scratch or small dent), this will be seen as a fair & challenging pass at the discretion of the Driver Conduct Official*

The date of this judgement is the 27 June 2024

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