



MOTORSPORT SOUTH AFRICA NPC

Reg. No 1995/005605/08

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COURT OF ENQUIRY 1224

HEARING HELD IN THE MSA BOARDROOM ON WEDNESDAY 11th SEPTEMBER 2019

Present:	Tony Taylor	-	Court President
	Shameer Variawa	-	Court Member
	James Mahope	-	Court Member
	Greg Gossman	-	Competitor / Defendant
	Shahin Goolam	-	Complainant
	Vaughn Williams	-	Observer
	Andy Gossman	-	Witness
	Joanne Gossman	-	Witness / Secretary of the V W Challenge Club
	Phillip Croeser	-	Chairman V W Challenge Club
	Jimi Smith	-	Clerk of the Course
	Raoul Farah	-	VW Challenge Club
In Attendance:	Allison Atkinson	-	MSA Scribe
	Adrian Scholtz	-	MSA CEO

INTRODUCTION

The court members and attendees were introduced, and no objections were raised against the composition of the court.

Mr Williams was asked to explain his presence to the court. He replied that as stated in GCR 210 (vi) a “respondent may be represented by a fellow competitor, or club member”. It was pointed out that he was not a member of the VW Challenge Club nor a fellow competitor and that, in fact, Mr Goolam was not a respondent. He responded by stating that he, as a member of the South African Scrutineers Association, was entitled to represent Mr Goolam. The court took the matter under advisement and adjourned the hearing for consultation with the MSA CEO.

On their return, the court informed Mr Williams that he was welcome to remain in the hearing as an observer but would not be recognised as Mr Goolams representative as he was neither a fellow competitor nor a member of the VW Challenge Club. Mr Williams then submitted that in terms of GCR 202 he was entitled to represent Mr Goolam, this was overruled, once again, by the Court on the grounds that GCR 202 refers specifically to “ fellow competitors taking part in the same event or club / association committee members” and Mr Williams did not qualify as such. Mr Williams then threatened to walk out of the court. He was of the opinion that Mr Goolam should leave as well as, in his words, “this is a waste of time as the National Court will decide”. Mr Goolam persuaded Mr Williams to stay as an observer and the hearing continued.

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



sport & recreation
Department:
Sport and Recreation South Africa
REPUBLIC OF SOUTH AFRICA

Directors: A. Roux (Chairman), A. Scholtz (Chief Executive Officer), A. Taylor (Financial), F. Alibhai, R. Beekum, FC. Kraamwinkel, G. Hall, A. Harri, Dr G. Mills, E. Murray, M. Rowe, R. Schilling, Ms M. Spurr, S. Themba, S. Van der Merwe

THE HEARING

The Enquiry relates to the alleged contravention of GCR 172 iv by Mr Greg Gossman at the Extreme Festival event that took place at Red Star Raceway on 20th July 2019.

The allegation was that Mr Greg Gossman, had interrupted a conversation that Mr Goolam was having with Mr Raoul Farah after the completion of a race querying a possible start line infringement involving Mr Greg Gossman. Mr Gossman then overheard the conversation and he then proceeded to swear at him and made generally offensive remarks aimed at Mr Goolam.

Mr Goolam then gave verbal testimony confirming the above allegation to the Court.

Mr Gossman was given the opportunity to relate his version of the events and by and large he confirmed what Mr Goolam had told the court.

FINDINGS

By his own admission, Mr Greg Gossman is guilty of having breached GCR 172 (iv) in that he subjected Mr Goolam to verbal abuse, using foul language and that this took place in the presence of others and his behaviour was generally inappropriate and offensive.

The allegation of racism could not be proved from the testimony provided.

1. The court having taken into account the testimony of both parties and the witnesses, find that Mr Greg Gossman by his actions and behaviour had contravened GCR172 (iv) and that he had shown no remorse to the court whatsoever.
2. Mr Gossman is hereby fined an amount of R5000.00. An amount of R3000.00 of this fine is suspended for a period of two years. The effect of this penalty is that, should Mr Gossman be found guilty of a similar offence, during the two years following the publication of these findings, the fine of R3000.00 will come into effect. The balance of the fine of R2000.00 must be paid over to MSA as per GCR 180 (i).
3. Mr Gossman's competition licence is suspended for a period of one year, however suspended for a period of two years. The effect of this penalty is that, should Mr Gossman be found guilty of a similar offence during the two years following the publication of these findings, his competition licence will be revoked for a period of one year.
4. The VW Challenge Club are urged to carefully review this incident given that this is the second instance of this nature within five weeks.

Administrative costs of R500.00 are levied against Mr Gossman.

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

These findings are distributed via email on 20 September 2019 at 11:20am

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