

Mr Damien Codognotto OAM
PO Box 3091
The Pines Shopping Centre, 3001

Dear Mr Codognotto,

Re: Disciplinary Action

I am writing to inform you of the outcome from the Special Board meeting held on 15 November 2005. Having reviewed the results of the investigation carried out by Mr Detlef Lamp on behalf of the Motorcycle Riders Association you were notified by registered mail of this meeting.

The board has noted that you did not respond to the opportunity offered to present reasons why disciplinary action should not be taken but rather challenged the authority of the board to carry out this disciplinary. A breakdown of those actions taken under this constitution is attached.

The board has deliberated at length as to what action should be taken and we have come to the following conclusions:

Your membership is to be suspended and all rights and privileges as a member of the Motorcycle Riders Association of Australia will cease to apply for a period of 28 days from this date (until 19 December 2005).

Your membership suspension will remain until the following conditions are met:

- *You present a written apology to the board, to Mr Anton Lange and to the National President of the Ulysses Organisation acknowledging that Mr Lange was not, and has never been, “drummed out” and that he remains a member in good standing of Ulysses; and*
- *You also send a copy of this apology to all persons, organisations and e-groups to which original and subsequent emails have been sent by you concerning this matter.*

Should an apology not be forthcoming within the 28 day period (12 December 2005), the Board will consider your membership to be terminated and you shall be expelled from the organisation – as authorised in Section 6.2 of the MRAA’s Constitution.

During this period, any further breach of the Constitution will result in your immediate expulsion.

Under Section B6.5 of the Constitution the board's action may be appealed at the next Quarterly General Meeting. However you are reminded that this appeal may only be made on the basis of compliance with the by-laws and Constitution.

Yours Sincerely

Dale Maggs
President MRAA

**B6.1. If the Board is of the opinion that a Member has acted in a manner described in Section 6 of the Constitution, the Board shall,
B6.1.1. make a resolution stating the Board's opinion**

Following your public distribution of accusations that Anton Lange was "drummed out of Ulysses" the Ulysses organisation was contacted to ascertain the truth of this serious allegation. Responses from both the National President and Vice-President of Ulysses stated that this was not the case, and further stated that Anton was well known and respected and requested that the MRAA deal with the perpetrator of this claim.

This was considered at a normal board meeting and an independent MRAA member requested to follow up with this to see what further steps the organisation should take.

This investigation included speaking to Ulysses regarding their expectations as they also consider that they have been brought into disrepute by the MRAA (through your actions) and obtaining legal advice concerning this statement. A report was presented to the board following this investigation. This report recommended that the board undertake disciplinary action.

This report was formally accepted at the next Board Meeting.

**B6.1.2. keep a detailed record of its deliberations and findings, and
B6.1.3. notify the Member in writing,
B6.1.3.1. stating the allegations and the Board's findings, and
B6.1.3.2. inviting the Member to show cause why disciplinary action should not be taken.**

These actions have been minuted by the board.

You were notified by registered letter regarding this matter.

Please note the following extract from this letter.

These allegations have since been refuted in writing by the Ulysses National President and Vice-President who have stated that they consider that Anton Lange is a valued member of that organisation. They have also expressed an expectation that the MRAA will take action regarding these allegations.

Following an investigation into this matter, we have obtained advice that these remarks may be considered defamatory and that they have, in fact, brought the MRAA into disrepute.

Please provide written reasons by 11 November 2005 why disciplinary action should not be taken against you in relation to this matter. These submissions will be considered by the board at a special meeting to be held at 5/2 Quist Court Dandenong South on 15 November 2005 at 7.00 pm. You may elect to attend this meeting to speak to your written submissions.

This letter clearly states the board's concerns and their reasons for bringing disciplinary action.

**B6.2. The Member,
B6.2.1. shall respond in writing, no later than 14 days after notification and that response shall be considered at a Board Meeting called to deal with the matter,**

B6.2.2. may attend that Board Meeting to address the Board in addition to the written submission,

B6.2.3. may be accompanied by another Member as an observer.

It is clearly stated that the meeting on Tuesday 15 November was a board meeting to deal with this matter in the form as specified by section B6.2.1..

Please note that to date we have not yet received written reasons supporting your case and that the sole correspondence from you has been concerning the constitutionality of this matter.

B6.3. Detailed minutes shall be recorded and,

B6.3.1. confirmed, in writing by the Board, or

B6.3.2. if the Member attended the Board Meeting, a draft copy shall be provided to the Member and, with agreed amendments, shall be confirmed, in writing, by the Board, the Member and the observer, if any.

Please note that a copy of the proceedings is only available should you choose to attend the meeting. (refer B6.3.2 above)

B6.4. The process of investigating any allegations, notification, response and subsequent deliberations shall be confidential to those directly involved.

Please note section B6.4 carefully, as we have grave concerns that you have already seriously compromised this section by your actions to date – specifically the sending of emails concerning this matter to non-board members. In fairness to yourself and to ensure that you receive natural justice the processes to date have concerned only those directly involved.

B6.5. The Member may appeal the Board's actions at the next scheduled MRAA General Meeting on the grounds that the process did not comply with,

B6.5.1. Section 6 of the Constitution, or

B6.5.2. Section B6 of the Bylaws.

Appeal is only available as to the validity of the procedure, not to the findings of the board or (if applicable) any penalties or conditions imposed by the board.