

6 September 2006

NOTICE OF MEETING

The board of the MRAA serves notice of a Special General Meeting to be held
At 1pm 30 September 2006
Location: 5/2 Quist Court, Dandenong South, Vic 3175

This meeting is being called to resolve a disciplinary matter that the board feels should be resolved by a general vote.

Dale Maggs
President MRAA

Special General Meeting – Introductory Statement

1. This meeting was called by the Board of the MRAA to resolve a long standing issue.
2. On 13 August 2005 MRAA Life Member Damien Codognotto published an e-mailed statement that,
" (MRAA Member) Anton Lange was drummed out of the Ulysses Club for alleged extremely serious offences....."
3. This allegation was repeated by Damien at the August 2005 Quarterly General Meeting, however at no time was information provided to corroborate the statements.
4. The Board appointed Detlef Lamp, a long standing MRAA Member, to report and recommend steps to be taken.
5. Ulysses was asked whether Anton Lange had been expelled and the response from the National Vice President contained the following,

This statement is entirely false and is a malicious fabrication

Anton Lange is a long serving Ulyssian with membership No. 2... and is a current financial member

Anton Lange is well known to me and is admired for his contribution to motorcycle promotional activities with the MRAA in Victoria.

Never has any correspondence been received by the Ulysses Club's National Committee asking that Anton Lange be examined for continuing Club membership

The statement made is false and I trust that the MRAA will deal with the perpetrator of this statement...

Please keep me informed as to the outcome of this situation so that the Ulysses Club National Committee can review the situation when it next meets.

6. Detlef took advice from Grace Placencio, the MRAA's Public Officer and solicitor who considered that Damien's statement is clearly defamatory, as follows

"Perhaps you should mention at the meeting tomorrow that paragraph 6 in the email dated 13 August 2005 is defamatory!

...defamation arises when the character of a person is attacked in a public forum so that those who read the defamatory statement form a view of the person being defamed which may affect the manner in which these people deal with the defamed person on a personal level, on a financial level and professional level. If as a result of the email Anton Lange is aggrieved or jeopardised in any way he has the right to sue for defamation."

7. Detlef reported that Damien's statement constitutes unacceptable behaviour in that it,
 - is false and defamatory,
 - may harm the stability of the MRAA by defaming a fellow MRAA Member, and
 - may harm the reputation of the MRAA with Ulysses and other peer groups if the Board does not take action requiring a retraction from Damien.
8. After due consideration, the Board, requested Damien to respond in writing as to why action should not be taken regarding this matter but no reply was forthcoming.

9. He was then requested to attend a special Board meeting (accompanied by an observer of his choice) to explain why action should not be taken regarding this matter, however he was unable to attend this meeting at the last minute and, once again, provided no information.

10. The Board, with proof of the falseness, and legal opinion regarding the defamatory nature, of the statement, in the absence of any mitigating information, voted to suspend Damien's membership rights until the matter is resolved.

11. Damien refused to accept the validity of the suspension and continued to make statements denigrating the Board and the MRAA in public forums.

12. Damien has since claimed he had meant to refer only to actions in the Ulysses chapter in Melbourne, however the Secretary and President of this Chapter, when contacted, stated that they had no knowledge of any disciplinary action regarding Anton Lange and that they considered him to be a Member in good standing.

13. Damien then applied for mediation via the Justice Department, however Board considered the proposed statement to resolve the issue unsatisfactory as it contained errors of fact in stating that Damien was never suspended.

14. The Board proposed an amended statement to properly refer to the suspension as being lifted, however Damien has not agreed to this and has continued to attack the Board at every opportunity.

15. As the initial disciplinary process has been, for various reasons, compromised, not least by the foray into the mediation forum, the Board has called this Special General Meeting to allow Members to consider and resolve this matter once and for all.

16. To resolve this matter and restore Damien Codognotto's suspended membership rights, the Board recommends that this meeting directs that Damien publish, as widely as the original false statement, a statement

- acknowledging that the statement is false and may have defamed Anton Lange and Ulysses,
- apologising to Anton Lange, Ulysses and the MRAA, and
- committing to make no further false statements.

Dale Maggs
President MRAA
on behalf of the MRAA Board

Lamp, Detlef MR

From: UNCLE DAMIEN [uncle.d@bigpond.net.au]
Sent: Tuesday, 29 August 2006 9:53
To: Dale Maggs
Cc: Michael Czajka; Lamp, Detlef MR; RICK VAN ZUYLEKOM; MRAA - THE BOARD - MELB
Subject: Re: Mra letter head doc

Thanks for keeping me informed Dale.

I too support buying the MRAA a home.

Location is a major problem that will retard growth, but, it's a start. It does leave open the option for a Board that is more focused on the MRAA's aims and riders rights and less on pool tables and day trips to upgrade in a more accessible, higher profile place. The MRAA needs a HQ rather than a club house but it is a start.

Regarding the letter agreed to at mediation. It looks like the Board will renege on the agreement made by their reps, Detlef lamp and yourself. That the "suspension" was illegal because the Board failed to follow procedure and denied me the right to answer their vague allegations (I was kept away from the only meeting made available because of a family illness). We went through all this at the mediation and the matter was resolved. All the MRAA had to do was *honour* its' agreement.

If the Board can't act honourably then it will be seen by many as a faction that won't abide by the umpire's decision and that would protect a threat to children to attack a founder of their Association. It will cost members.

I'll wait till September 1, 2006, as I said because I do honour my word.

Damien.

From: Dale Maggs
To: UNCLE DAMIEN
Cc: Michael Czajka
Sent: Sunday, August 27, 2006 7:53 PM
Subject: Mra letter head doc

Hi all,
FYI

noticed you were not at the QGM not a bad meeting

some new blood turned up with a motion passed to raise a deposit and put a offer on a premises!
show of hands for 22 1 against 1 abstainer me.

A rep was appointed to AMTRA Roger and he will liase with me supporting our stance against DSE and its close down tracks policy.

Ric gave a report from AMC

DJ gave treasures report 9000, in bank

that's about it!

Regards

Dale

Dispute Settlement Centre of Victoria

Agreement

DEPARTMENT
OF JUSTICE

State Government
Victoria

Reference no. 17571 2006

Date 27 June 2006

Page no. _____ of page _____

4/456 Lonsdale Street, Melbourne 3000

Ph 03 9603 8370

Ph 1800 658 528 (free call, country callers)

Fax 03 9603 8355

Email dscv@justice.vic.gov.au

Party A, Damien Codognatto and Party B, Dale Maggs together with Michael Czajka and Detlef Lang agree:

- that a statement, written on Motor Riders Association letterhead will jointly represent the Board and Damien's view

- the statement reads:

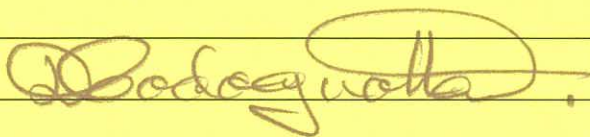
Damien Codognatto (OAM and life member) continues to be a valued member of the MRA and has never been suspended

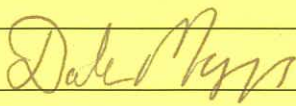
Damien agrees that the wording of his previous email (dated 13 Aug 2005) was 'badly worded' and that specifically, he was referring to a club member being shunned by some members of the Melbourne Branch of the Ulysses club circa late 1990's.

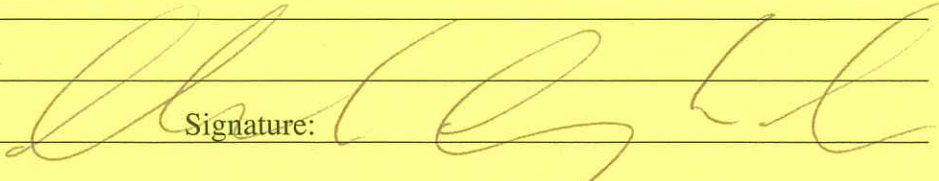
The matter is now resolved and closed.

- the letter will be signed by Dale and Damien.

- ~~if the statement is to be communicated to any other groups or individuals, Damien is to be informed first.~~



Signature: 

Signature: 

Lamp, Detlef MR

From: Ellis, Tony J [ellis.tony.j@edumail.vic.gov.au]
Sent: Friday, 28 October 2005 14:07
To: theboard; Lamp, Detlef MR
Subject: Response to Damien



Document.pdf

I'll post this off this afternoon
and also send the following email.

Damien,
please find attached in PDF format the formal response of the MRAA Board
to your email.
The original of this document has been posted today.

Tony Ellis
Secretary MRAA

Important -

This email and any attachments may be confidential. If received in error, please contact us and delete all copies. Before opening or using attachments check them for viruses and defects. Regardless of any loss, damage or consequence, whether caused by the negligence of the sender or not, resulting directly or indirectly from the use of any attached files our liability is limited to resupplying any affected attachments. Any representations or opinions expressed are those of the individual sender, and not necessarily those of the Department of Education & Training.



Mr Damien Codognotto OAM
PO Box 3091,
The Pines Shopping Centre, VIC 3109

Dear Mr Codognotto,

As Secretary of the Motorcycle Riders Association of Australia I have been instructed by the Board to formally respond to your email of 26/10/05 regarding potential disciplinary action.

Please note that under Section 6.2 of the Constitution of the MRAA the meeting is a Board meeting called purely for the purposes of considering this matter - not a "Special Meeting" as you refer to it. While detailed minutes of the meeting will be kept - the form of recording will be established by the Board. Under section B6.3.2 of the Constitution, if you attend that meeting you will be entitled as a matter of course to a copy of the records of your participation at that meeting. You are also entitled under Section B6.2.3 to be accompanied by an MRAA Member of your choosing as an observer; however that person may not participate as an advocate.

Should you believe that your recording of the QGM on 27 August offers support for your viewpoint, we welcome the provision of a copy in support of your written submission which must be in a letter form and not via e-mail. The Board also notes that they agreed to reimburse you for a copy of this recording. This copy has still not been forthcoming

Your email of 13 August 2005 to Gavin Stilgoe, also circulated to several MRAA members and to both the melb-moto and MRA online forums contained the statement:

"Anton Lange was drummed out of the Ulysses for alleged extremely serious offences that mean he should never have anything to do with a kids event."

This public allegation raised concern, Ulysses were contacted to verify its truth and their response is the basis for this action. The following is an extract from the Ulysses response:

I was somewhat appalled by your email, which referred to a statement that Anton Lange was expelled from the Ulysses Club for 'alleged extremely serious offences that mean he should never have anything to do with a kids event'. This statement is entirely false and is a malicious fabrication... The statement made is false and I trust that the MRAA will deal with the perpetrator of this.

Legal opinion was subsequently sought and the following response obtained:

...paragraph 6 in the email dated 13 August 2005 is defamatory! First of all, whether Anton was "drummed out of the Ulysses Club for alleged

extremely serious offences", is a matter for the law to prosecute and to prove its case beyond reasonable doubt. The fact that somebody has pointed the finger at Anton and accused him of serious offences does not mean that these accusations are true.

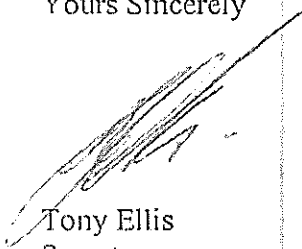
Please note that the aim of this meeting is to ensure that all factors are considered before the Board comes to a decision on whether disciplinary action is required, and if so, what form any such action might take.

The Board fails to see how your good name can be at risk at this stage of the proceedings when you state:

"By writing and distributing a letter saying that remarks I have made, in fact, bring the MRAA into disrepute you damage my good name and perhaps deny me natural justice depending on the November 15 meeting."

The Board has a clear responsibility to act regarding this matter and has restricted its dealings to those who have a direct involvement. We note that your email concerning this matter has been forwarded to non-Board members, as well as people outside the MRAA who are not subject to the same confidentiality obligations as Board members. The Board cannot therefore accept responsibility for any subsequent damage to your good name as the result of your indiscriminate correspondence.

Yours Sincerely



Tony Ellis
Secretary

Motorcycle Riders Association of Australia