

Damien,

this reply is a formal response on behalf of the board of the MRAA.

We note that up until now you have not denied the fact that you made these allegations against Anton. You did not respond when given a chance to defend yourself - you attacked the process from the beginning but have not responded in any way to the actual complaint that has been made.

You have claimed that there has not been a specific allegation made against you, however you were notified in writing of the quite specific issues around this disciplinary action. Following is an extract from the letter sent to you.

*"In August you have communicated through numerous emails and on-line forum postings to both MRAA members and others that Anton Lange had been drummed out of the Ulysses Club..."*

*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**"*

It quite clearly spells out that you made untrue statements about a fellow member. The phrase "drummed out" is quite explicit. It derives from a military expression and means to be formally expelled in as ignominious a manner as possible. Due to the gravity of these allegations they were checked with the Ulysses Club. The National President and Vice-President not only stated that your statements were untrue but they requested that the MRAA take action against the perpetrator of these allegations.

To verify your allegations the board requested a member who was considered to be neutral as far as all parties went, had no particular allegiance to the board and who had no animosity towards you (In fact you mention in an email earlier this year that he should have been made a life member). He is also a well-respected constitutional expert and known for his thoroughness and impartiality. His consulting brief was to determine the truth behind your allegations and make a recommendation based on this. His first action was naturally to contact Ulysses to determine the truth of your allegations. Had they been true then the subsequent actions would have been quite different. Following the response that these allegations were untrue, he obtained formal legal advice on this matter and finally recommended that the board should consider disciplinary action against you.

The following are extracts from the Ulysses responses.

*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'.*

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*This statement is entirely false and is a malicious fabrication.*

*Anton is a long serving Ulyssian with membership No. 2462 and is a current financial member. Anton 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 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.***

*Regards  
Neville Gray  
National Vice President  
Ulysses Club Inc.*

and further -

*It is with some concern I have learned of the malicious rumor being circulated in relation to Anton Lange.*

***I can assure you now that Anton has not come to the notice of the National Committee of the Ulysses Club in any adverse way. No disciplinary action has been taken against Anton, nor has he been expelled or suspended from the Ulysses Club.***

*Anton is a well respected member of the club who is well known in motorcycle safety circles for his work with the MRAA.*

*Kind Regards,  
Rick Bedford  
National President,  
Ulysses Club Inc.*

The board has been reluctant to proceed with disciplinary action and has only done so after much discussion. After lengthy discussion, the board unanimously agreed (in a secret ballot) that the public nature of your remarks had brought the MRAA into disrepute - most particularly with the Ulysses Club, the largest motorcycling organisation in Australia. Had you directed your concerns about Anton solely to the board then this matter may have been resolved without the current unpleasantness. Unfortunately by posting to public forums and to other people outside the board and indeed, to people outside the organisation, it became a damaging issue for the organisation. The board was then left with no option but to formally address the situation.

We reiterate here that disciplinary actions are NOT a matter for a general meeting of members. In fact, it is entirely inappropriate that they be carried out publicly. To accuse a member before a general meeting would certainly be a denial of natural justice - and go against all concepts of privacy and fairness – especially if the claims turn out to be unsubstantiated. In fact the Constitution explicitly states that the details of a disciplinary procedure are to be kept confidential and we have endeavoured to do so.

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To claim, as you have done, that you did not know who would be at the meeting is patently ridiculous. It was a special *board* meeting as specified in the Constitution. The members of the board are all known to you and the MRAA is not a secret organisation – if your memory fails you, they are all listed on the website and in the magazine.

We are not in dispute with you – we have documented thoroughly the charges against you – you now claim in your email to Michael Czajka that they are factually incorrect. This is patently not so. We have copies of your original claim and the several postings where you grow steadily more vituperative towards Anton, culminating in the postings that have forced our hand in this. We have copies of the responses from Ulysses dismissing your claim and requesting action be taken.

This is a disciplinary action and has been proceeded with properly and entirely according to the rules of the association. At no time have you been denied natural justice. You were notified of a very specific charge. You were advised that a special board meeting was to be held where you could present your case however your reaction was to challenge the legality of the meeting and question the validity of the participants.

While we are sorry to hear about your father's illness and extend our sympathies to you, it is not relevant to your attendance at the special board meeting. The subject of your father's illness was raised and discussed at the meeting, however since you specifically denied the constitutionality of the board's action and that the implication of this denial was that you would not attend anyway; it was decided to proceed. In any event you neither denied the truth of the matter nor offered to that meeting any mitigating circumstances concerning your statements.

You have made several comments about the recording of meetings. General meetings are recorded (as was the last one), however you are well aware board meetings are not usually recorded; they are minuted but not recorded, and any decision to record must be at the board's discretion. I know of no organisation which records board or committee meetings as a matter of course – it is felt that to do so may inhibit a free and frank discussion. At no time did the board state that it would not record that meeting, merely that the decision to do so was up to the board. Any decision to record would need to be approved at that board meeting and it was neither proper nor possible to pre-empt a vote of the board by unequivocally agreeing beforehand to your request. In fact, arrangements were made to vote on this at the meeting and equipment was there to record your presentation in case the motion was carried.

You claim that there is evidence supporting you in the video of the last QGM. Despite a request to do so (and your promise at the meeting) you have not submitted this recording to the board. The MRAA has offered (both at the board meeting and subsequently) to pay for a copy of this tape. This is particularly important since the recollections of the board and other members present differ from your claims. Again, we formally ask you to present a copy of this recording.

The confidentiality provisions in the constitution are not there to "gag" you. They are there for the protection of members involved in disciplinary action so that until the matter is resolved their good name is not at risk. In your case, by emailing and spreading about the fact that you are under disciplinary action we cannot be held responsible for any confidentiality issues arising from your actions.

We are circulating copies of all information to Michael Czajka (as requested by you). Please note that the board has had advice on this matter from two solicitors – one of whom has recently seen an organisation he belongs to through a disciplinary process. The opinions we have are that we have acted properly and constitutionally – in fact, it was considered that we have acted more than reasonably – particularly given that this was not a “one off” comment but part of a string of increasingly vituperative complaints about Anton Lange.

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The board has no wish to see your experience and skills lost to the MRAA. Had we wished that we would have immediately expelled you rather than give you the opportunity to repair the damage you have caused. Our hope is that you will accept the ruling and act in a responsible manner that will enable the board to lift your suspension and allow you to resume your excellent work on behalf of motorcycling.

Should you fulfil the conditions set out by the board, your suspension will immediately be lifted and you will resume your rights and responsibilities as a member.

Should you choose otherwise then I am instructed by the board to inform you that there is no option but to reluctantly proceed under section 6 of the Constitution.

Tony Ellis  
Secretary MRAA  
29 November 2005