



MAASA NATIONAL COUNCIL

MEETING MINUTES

Date: Tuesday 17th September 2024

Time: 19h00

Place: via Zoom

PRESENT

Name	Designation
Diane Horn	President
Petro Wium	Treasurer
Callie Kruger	Vice President
Maretha Kruger	Athletes Rep
Jacques vd Westhuizen	Gauteng Vice Chair
Amy Diack	KZN Chair
Vicky van Zyl	NW Chair

APOLOGIES

Name	Designation
None	

MINUTES:

	POINTS	DISCUSSION/DECISION
1.	Meeting Formalities	
1.1	Opening of meeting	The President opened the meeting & welcomed everyone.
1.2	Attendance register & apologies	Apologies
1.3	Quorum	Quorum established – all present
1.4	Minutes of previous meeting	Matters arising – legal dispute (to be addressed in this meeting) Minutes of 4 th September accepted – Diane to sign and upload to MAASA website
2.	Legal Case MAASA/J Sinawaro/Premier Equestrian	
	<p>MAASA's plea to dismiss the case with punitive costs, was filed by our SAEF attorney on 11th September 2024.</p> <p>A summary of the contents of the plea to dismiss is as follows:</p> <p><i>1st Defendant – MAASA</i> <i>2nd Defendant – SAEF</i> <i>3rd Defendant – Diane Horn</i> <i>4th Defendant – Deirdre JvRensburg</i></p>	

5th Defendant – SASCOOC

1st Plaintiff – Jethro Sinawaro

2nd Plaintiff – Premier Equestrian Club

First to Fourth Defendants' Special Plea – Failure to exhaust internal remedies

- MAASA is a member of SAEF and the recognized controlling body for Mounted Archery in SA, and is affiliated to IHAA, the international controlling body for Mounted Archery
- MAASA Constitution states that no member or office bearer (including 3rd and 4th Defendants) shall incur any personal liability in respect of any obligations of MAASA.
- The MAASA constitution provides any dispute between itself and its members, must be referred to SAEF for resolution, in terms of SAEF dispute resolution procedures.
- SAEF constitution states that it shall refer all disciplinary matters and grievances to its judicial body.
- SAEF constitution clearly states that no party is entitled to approach a court of law until all internal remedies have been exhausted.
- The SAEF Judicial Commission shall have all necessary jurisdiction in respect of any complaint or allegation in respect of all members or registered individuals what fall under the SAEF.
- SAEF's Judicial Commission (JC) requires that the party referring the dispute shall have first exhausted all available internal remedies at all appropriate levels, and that the referring party make written representation to the JC in the required format. The JC shall have the necessary discretion to allow or refuse the hearing of the dispute.
- The Plaintiffs (Jethro Sinawaro and Premier Equestrian Club) have failed to comply with the dispute resolution mechanisms provided by SAEF, in that they have failed to refer any dispute in the required format.
- They have also failed to exhaust all internal remedies available to them before launching this legal action.
- The Plaintiffs were advised of their failure to exhaust all internal processes and were invited to withdraw the court action with no cost, and to make use of the SAEF dispute resolution process to address their complaints. The Plaintiffs have refused/failed to do so.

Therefore, the Defendants (1-4) seek that the Plaintiffs claims be dismissed with a costs order on a punitive scale, including the costs of counsel, given that:

- MAASA and SAEF are voluntary and non-profit organisations, funded by membership contributions, which should not be spent on defending this action while the Plaintiffs have refused to exhaust the internal remedies available to them
- The Plaintiffs have failed to make any valid case against 3rd and 4th Defendants (Diane Horn and Deirdre JvRensburg).
- They were provided with an opportunity to withdraw this action, which they refused to do.

First to Fourth Defendants' Plea to the Particulars of Claim (PoC):

- *Paragraphs 1 and 2 of PoC* – refers to status and association of Plaintiffs
 - Plaintiffs need to supply proof
- *Paragraphs 3 to 7* – refers to particulars of Defendants 1-4
 - Contents are noted.
- *Paragraphs 8* – refers to SASCOC
 - Noted that no relief is sought
- *Paragraph 9* – Jurisdiction
 - The Court has no jurisdiction to hear this matter, for reasons given in the Special Plea.
- *Paragraphs 10 and 11* – refers to Mr. Sinawaro participating in the Grand Africa tournament, organized by MAASA and sanctioned by SAEF, and granted international status by IHAA
 - Noted
- *Paragraph 12* – Significance of sanctioned events
 - Has no bearing on this case, as Mr. Sinawaro is a Zimbabwean national, and is not eligible for SA provincial or national standings or colours.
- *Paragraph 13* – Structure of Defendants
 - Noted – MAASA is a member of SAEF, SAEF is a member of SASCOC etc.
- *Paragraph 14* – Mr. Sinawaro disputed his 5th place in the competition and lodged a complaint
 - The tournament was subject to discipline specific rules as dictated by IHAA, and further the General regulations of SAEF, in which it is clearly stated that decisions of the Ground Jury are final and binding, where the decision is based on factual observation of performance during a competition, and therefore is not open to Mr. Sinawaro to challenge the decision
 - The SAEF General Regulations also provide that protests must be made 30 minutes after the announcement of the results, which Mr. Sinawaro did not do, only lodging his complaint more than a week after the close of the tournament.
- *Paragraph 15* – Mr. Sinawaro lodged a complaint with MAASA on his own
 - This is denied – no communication was received from Mr. Sinawaro, only a Letter of Concern submitted by Premier VP on 12th December 2023, directly to SAEF and IHAA, bypassing MAASA.
 - MAASA President provided a detailed and comprehensive response on the 2nd January 2024, addressing and resolving all of the issues raised by the Plaintiffs.
- *Paragraph 16 and 17* – MAASA failed to respond / answer / acknowledge the complaint, and acted in a discriminatory manner towards Mr. Sinawaro
 - Denied – MAASA responded to all allegations / complaints in their response to the Letter of Concern, on 2nd January 2024.
 - Mr. Sinawaro has not lodged any complaints in his personal capacity to MAASA
 - The discriminatory allegation is denied, devoid of any validity or credibility, and is entirely inflammatory.
- *Paragraph 18* – refers to SAEF regulations that MAASA is alleged to have contravened
 - The plaintiffs failed to refer to the full context of the SAEF General Regs,

- which clearly state that where there is a conflict between these Regulations and the specific Discipline rules relating to Officials, the specific Discipline rules and regulations shall take precedence.
- IHAA has confirmed that officials are not precluded from competing at events, it is only at 4-star events that this practice is discouraged.
 - Accordingly, all allegations as set out in paragraph 18 are entirely unfounded, baseless and are accordingly denied.
 - *Paragraphs 19 to 21* – refers to “scoring error” for Mr. Sinawaro's jump shot
 - The contents of these paragraphs are denied:
 - Based on factual observation, Mr. Sinawaro took the shot before his horse took the jump, the judges' decision was final and binding.
 - Results were published live on the ihaa.eu system, competitors were able to raise any objections once the scores were published. Neither Plaintiff raised any queries until 12th December, which is clearly outside the 30 minutes after competition wherein a query can be lodged.
 - Neither Plaintiff requested manual scoresheets on the day of the tournament.
 - The complaints raised by the Plaintiffs were addressed and resolved in detail, by MAASA, in their response dated 2nd January 2024.
 - *Paragraphs 22 to 26* – Dual Entry
 - It is denied that the discipline specific rules for Mounted Archery allow for a single competitor to compete on two different horse in the same competition on the same day. IHAA has also confirmed this rule.
 - Where a competitor rides 2 different horses on the same day in the same competition, the scores from the first ride will count, the second ride is a non-competitive entry, since the rider gains an unfair advantage over other competitors, having already completed the course.
 - *Paragraph 28* – Response by Diane Horn on behalf of MAASA, to the 2nd Plaintiffs letter
 - MAASA's response to the Plaintiff's complaint was prepared and sent as expeditiously as possible, given that this was over the December holiday period.
 - *Paragraph 29* – Queries and responses to allegations
 - It is not MAASA's responsibility to determine the citizenship of Mr. Sinawaro, given that Mr. Sinawaro registered as a local competitor, and paid the local competitor entry fees, and not the international entry form/fees.
 - MAASA followed all IHAA guidelines and standard practices, and the judges' decisions were final and binding.
 - There is nothing in either the IHAA guidelines or the SAEF General Regs that preclude officials from competing at events, in terms of the discipline specific rules.
 - *Paragraphs 30 to 31* – Final rankings of Grand Africa
 - Noted
 - *Paragraphs 32 to 33* – Rankings / scores of competitors who served as officials should be removed
 - The discipline specific rules for Mounted Archery and the Grand Africa tournament did not preclude officials from participating as competitors
 - *Paragraphs 34 to 36* – Submission of dispute referral form by Mr. Sinawaro on 7th May
 - Noted but incomplete

- Premier Equestrian Club submitted a Dispute Referral to MAASA on 29th February 2024.
- MAASA provided a further detailed report in response to this on 3rd April 2024.
- It is noted that the 1st Plaintiff has not provided evidence of the alleged dispute referral form and letter of the 7th of May 2024 as is referenced in the PoC.
- It is denied that MAASA has not responded to the Plaintiff's complaints, having responded in detail on 2nd January and again on 3rd April.
- There is no valid basis or merit to the Plaintiffs demands for an arbitration process with SAEF, given that:
 - The discipline specific rules as confirmed by IHAA, read together with the SAEF General Regs, state that the judges decision is final and are not capable of being protested against
 - There is no basis on which to preclude officials from competing in the tournament as competitors.
 - No dispute referral in the prescribed format has been submitted to SAEF, and there is therefore no dispute properly before the SAEF.
- *Paragraphs 37 to 38* – Contravention of MAASA / SAEF Code of Conduct
 - Based on reasons set out above, it is denied that MAASA and SAEF did not adhere to the code of conduct.
 - It is denied that the Defendants conduct towards Mr. Sinawaro has been discriminatory in any manner.
 - It is denied that any of the Defendants have contravened the Code or the IHAA rules in any way.
- *Paragraphs 40 and 41* – No resolution to issues / response to Mr. Sinawaro's pleas.
 - MAASA has consistently replied to the various complaints and/or disputes raised by the Plaintiffs, advised as to why a change in scores and rankings are neither valid or possible, responded to each allegation in great detail, and set out (where applicable) where appropriate corrective measures are being implemented to improve the discipline as a whole for all.
 - Given that neither MAASA nor SAEF have any record of the alleged complaint lodged by Mr. Sinawaro on the 7th May 2024, either in the prescribed format or any other format, the contents of this paragraph are denied.
- *Paragraphs 42 to 43:*
 - It is denied that the conduct towards Mr. Sinawaro has ever been discriminatory as alleged, and therefore his integrity has not been compromised.
 - Mr. Sinawaro is not entitled to the relief he seeks in respect of changing his scores/rankings from the Grand Africa;
 - None of the Defendants have breached or violated any of their Constitutional obligations to the Plaintiffs, or any of the rules governing Mounted Archery;
 - The judge's decision in respect of the results of the tournament, are final and not subject to Protest
 - The officials at the tournament who also competed, were entitled to do so in terms of the IHAA rules;

- The Plaintiffs have failed to exhaust all internal remedies available to them in terms of the SAEF JC regulations.

Therefore, the Defendants seek that the Plaintiffs' claim be dismissed with costs on a punitive scale, including the costs of counsel.

Discussion:

According to our lawyer, there is an opportunity for the Plaintiffs to reply to our Plea, within 20 days from delivery (approximately 3 October).

The next step would be a discovery process, where we disclose all the documentation we will be using in our case. There is no timeline on this, but once the plaintiffs serve us a notice of discovery, we have 20 days to deliver this under a discovery affidavit, which will be prepared by our lawyer.

Thereafter, we will need to have a pre-trial conference to discuss issues, agree on what issues are in dispute, how trial will proceed etc. This meeting will likely only be held next year.

The next step would be for the plaintiffs to apply for a trial date. According to our lawyer, the Pretoria High Court is now allocating trial dates in 2028, which means they will only get a trial date in 4 years' time, and by then what they are asking for will have absolutely no relevance.

It is clear that this matter is a complete waste of time and money.

At our last meeting, we agreed that some sort of accountability needs to be implemented in the meantime, but that we would first consult with our lawyers before making any decisions.

Diane contacted the SAEF lawyer and asked her advice regarding MAASA implementing a suspension of Premier Equestrian club. She has confirmed that we are well within our rights to implement this, based on the MAASA Constitution, and specifically Clause 17.1.16, which speaks to the powers of MAASA.

This will in effect mean that athletes who are Premier affiliated, will no longer be eligible to compete in any MAASA events. They can, however, choose to join other Gauteng clubs who are affiliated to MAASA, and so would not be disadvantaged by the actions of Premier in the coming 2025 season.

Decision:

All in favour of implementing the suspension of Premier Equestrian, after the completion of MAASA Nationals.

Diane will issue a formal notice of suspension to Premier Equestrian club. She will also send a separate notice to Premier athletes, informing them of the suspension and the reasons therefore. In addition, Diane will send a notice on the MAASA members official

WhatsApp group to notify all MAASA members of the suspension.

The abovementioned communications will be sent to Council for approval and prior to issuing.

Discussion:

The first Plaintiff in the legal case, namely Jethro Sinawaro, recently competed in the Nomad Games in Khazakstan, without notifying MAASA or obtaining a letter of good standing from MAASA, as per SAEF directives communicated via email to all MAASA members on 25th January 2024.

It was also noted from social media that Mr. Sinawaro competed as a Zimbabwean national but was wearing clothing representative of the South African flag.

Suggestion is to issue a formal letter of warning to Mr. Sinawaro, reminding him of his obligation to notify MAASA when competing overseas.

Decision:

Diane will issue the abovementioned communication.

Discussion:

There was a request from a Premier member on the Mounted Archery SA WhatsApp group to add Mr. Sinawaro and Mr. du Toit (VP of Premier Equestrian) to the group.

The Mounted Archery SA WhatsApp group is not a formal MAASA group, it is a public interest group and is administered and managed by volunteers to facilitate communication regarding mounted archery amongst interested parties who are not necessarily MAASA members. As such, the admins are under no obligation to add anyone to the group and may use their discretion when such requests are made.

The council members feel that under the current circumstances, it is unwise to add these members to the interest group.

Decision:

Diane will contact the person who made the request privately and inform them of this decision and suggest that they form their own public interest group if they so wish.

3. Closing

The President thanked all council members for their time and closed the meeting.



D Horn
MAASA President

29/10/2024

Date