



MAASA NATIONAL COUNCIL

MEETING MINUTES

Date: Wednesday 4th 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

APOLOGIES

Name	Designation
Vicky van Zyl	NW Chair
Amy Diack	KZN Chair

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 – Vicky van Zyl, Amy Diack
1.3	Quorum	Quorum established – proxy for KZN given to president
1.4	Minutes of previous meeting	No matters arising
2.	MAASA Year End Event	
	<p>The 2024 Grand Africa tournament was scheduled for 6-8 December. We are not able to organize the event this year, due to the ongoing legal issues arising from the previous tournament.</p> <p>In it's place, we would like to hold a fun event to end the year off on a positive note.</p> <p>Diane has already spoken to Banie, and he is in agreement that we hold it at Botha Wil.</p> <p>We will do a fun track (Diane will design), with a team event of two per team. Also consider a Hunt track for the Novices.</p> <p>Sunday a breakfast outride, back in time for awards ceremony.</p> <p>Diane will focus on organizing this event after MAASA/SANESA Nationals.</p>	

3.	MAASA Nationals 2024
	<p>Entries for MAASA Nationals were opened on time, and closed on 1st September, in order to give us enough time to order medals and trophies.</p> <p>We rode Tower110 at GMAA Q5 to give the riders and horses a chance to experience this track before Nationals. However, the majority of the riders we consulted after the qualifier feel that it would be better to do Tower90 at Nationals.</p> <p>Events for Nationals: T90, Raid 234, Hunt track.</p> <p>Diane has been to see Banie regarding the design of the Hunt track for Nationals, medals and trophies have been ordered. Everything else is on track for Nationals.</p>
4.	Legal Case_MAASA/J Sinawaro/Premier Equestrian
	<p><u>Update on the above:</u></p> <p>Summary of communication between our attorneys and JNS Attorneys (for the plaintiffs), dated 14th August 2024:</p> <ul style="list-style-type: none"> • Telephonic discussion between JNS Attorneys and SAEF's legal officer during which the SAEF Legal officer explained some of the difficulties experienced by SAEF in dealing with the Plaintiffs various complaints against MAASA, including that the position of Secretary to the SAEF Judicial Commission (JC) had been vacant since 22 April 2024. Correspondence addressed by the plaintiff's attorneys therefore went to an unattended mailbox (secretary.legal@saef.org.za) and was not copied to the SAEF Secretary General, as required in terms of the JC's regulations, and no phone call was made to confirm that the dispute had in fact been received by the JC. • The SAEF Legal officer advised that SAEF would attend to expediting the hearing of the matter and proceeded to make arrangements with the SAEF JC to do so. • However, before this process could be finalized and communicated to the Plaintiffs, the Plaintiffs proceeded to issue the court summons, which was served on the MAASA President. • In addition, it was apparent that the Dispute Referral to the SAEF by the Plaintiffs, was not compliant with the SAEF's Internal Regulations of the JC, and therefore not properly before the SAEF JC. • According to the summons issued, the principal areas of complaint levelled against MAASA in respect of the Grand Africa tournament, are as follows: <ul style="list-style-type: none"> ○ Officials and judges were permitted to compete, in contravention of the SAEF's Code of Conduct ○ Scoring errors in respect of the First Plaintiff's jump shot ○ Dual Entry in respect of the First Plaintiff • In order to provide evidence to refute these allegations, MAASA requested guidance from their international affiliating body (IHAA), who responded as follows: <ul style="list-style-type: none"> ○ As per IHAA rules, it is only the <u>Head Judge</u> of 3 and 4 star events that is precluded from competing as an athlete at a competition they are judging at. It is permitted for assistant judges to both judge and compete at the same competition, as well as family members of athletes to do so. Furthermore, it is both permitted and encouraged to use competitors as target judges at competitions in which they are participating. ○ The IHAA rules applicable at the time of the Grand Africa tournament stated that in order to be awarded the bonus on a jump shot, the shot cannot be taken before or after the jump but must be made while the horse is clearing the jump. The target judge recorded that the Plaintiff took

the shot before the horse jumped, and therefore did not score bonus points. The judge's decision in this regard, as resolved by IHAA, is correct and final and scores cannot be altered.

- IHAA ruled that a rider could not enter two competitive entries for a competition on two separate horses, and that if a rider wished to do so, one entry would need to be non-competitive.
- In addition, it is clear in terms of Article 07.1.4 of the SAEF's General Rules and Regulations, that the specific Discipline rules and regulations in this regard apply:
 - *This section relates to the generic rules on the roles, functions and appointment process of Officials at an event. Reference must be made to the specific Discipline rules and regulations, where this is a conflict between these Regulations and the specific Discipline rules relating to Officials, the specific Discipline rules and regulations shall take precedence.*
 - Therefore, the SAEF's current and applicable general Code of Conduct does not include the preclusion of officials from being able to compete at an event.
- Based on the above, there is no merit to the arguments being set forth by the Plaintiffs in the court summons.
- In addition, the Plaintiffs have failed to exhaust all of the internal dispute resolution processed provided for, both in MAASA and more particularly within the SAEF. In Part 4 of the SAEF's JC regulations:
 - Applicants must exhaust all available internal remedies with the constitutional and regulatory provisions of MAASA before making any referral to the SAEF (*which was not done, the matter was initially submitted to SAEF and IHAA without first consulting MAASA*)
 - The referral of a dispute to SAEF must be within the prescribed format and it is the responsibility of the claimants to make telephonic enquiries with the SAEF SG or Secretary of the JC, to ascertain that the referral has been received – *this was not done.*
 - Only disputes lodged in the prescribed format and accompanied by proof of payment of a deposit of R2000, shall be considered.
 - SAEF has not received any referral from the Plaintiffs in the required format.

The following proposal was made by our attorneys:

- The Plaintiffs withdraw the current court action
- The Plaintiffs submit their referral in the correct format to the SAEF JC, who undertake to deal with it as expediently as possible.
- MAASA will be entitled to restate our previous responses to the Plaintiffs' various complaints
- The matter may be heard at an Oral hearing, subject to the Plaintiffs' setting out this request in the referral in the prescribed format.
- The matter must be withdrawn from the court by no later than 30th August.
- Should the matter be withdrawn after the 30th August, any costs incurred by the Defendants by preparing a plea, will be for the Plaintiffs' account.
- Should the Plaintiffs not agree to resolve the matter through the SAEF's JC, then the Defendants will seek the dismissal of this matter with a punitive costs order, which will include the costs of counsel engaged.

Summary of letter received by SAEF attorney from the plaintiff's attorneys (JNS Attorneys), dated 19 August 024:

- The action instituted against the Defendants forms a separate issue from those raised by the plaintiffs in terms of the internal dispute resolution procedures of SAEF and MAASA, namely referral to arbitration.
- The arbitration sought with SAEF is on behalf of Premier Equestrian Club, while the action instituted is on behalf of Mr Sinawaro.
- They wish to proceed with arbitration before the end of August 2024.

Our attorneys responded to this in a letter dated 20th August:

- Premier club has only submitted a Dispute Referral Form to MAASA on 29th February 2024.
- The SAEF has not received a Dispute Referral Form from either Premier or Mr. Sinawaro.
- Both claims are based on the same cause of action, and the same facts, and are therefore not separate matters, or qualify to be dealt with as separate issues.
- To date, Mr. Sinawaro has entirely failed to approach MAASA or SAEF with his complaints and has therefore failed to exhaust all internal remedies available to him in order to deal with his complaints, and as such his case may be dismissed with an adverse cost order.
- SAEF again invites both plaintiffs to follow the correct procedure in bringing the matter before the SAEF Judiciary Committee, who will deal with the matter on condition that the current court action is withdrawn.
- Both MAASA and SAEF are opposed to and shall not deal with the matters of Mr. Sinawaro and the Premier Equestrian Club separately, as the two complaints are duplicates of each other.

As of the date of this meeting (4th September), no notice of withdrawal has been received by the SAEF or MAASA, and therefore our attorneys will proceed with preparing the necessary documentation to file our plea which is required 20 days after our notice of intention to defend (approximately 11th September).

Discussion:

MAASA is capably represented by the SAEF attorneys, and at this stage the legal costs will be covered by SAEF.

Our attorney will now prepare to submit our plea, and will draw up the relevant documents.

Our attorneys have also noted that with the current court roll in Pretoria, this matter is not likely to come before the courts much before 2027/2028, and it is not in Premier's or Mr. Sinawaro's best interests to proceed with the action, especially since all the complaints/accusations have been answered / refuted with supporting evidence.

How do we deal with this ongoing situation in the meantime?

This is the second instance where the VP of Premier has approached SAEF without first consulting with MAASA, the first being in November 2022, when he attempted to gain sanction for an event that was organized in his own capacity, without MAASA's consultation or permission. We did not institute disciplinary action at this time, although the action warranted it.

We are now faced with a second, more serious case, brought against MAASA by the

same individual. This seems to suggest a pattern of behaviour, and if not addressed, will likely continue in the future.

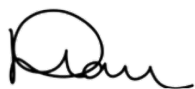
If we decide to take disciplinary action, we will need to follow the correct process as per our Dispute Resolution and Grievance Procedures policy. This involves the appointment of a Judicial Committee, whereby the Chair needs to be a person with a legal qualification, and two external persons. This will incur costs, which will need to be paid from our membership fees, which in turn might lead to a substantial membership fee increase for our members in January 2025. This case has already cost MAASA in excess of R5000.

The MAASA Constitution states that MAASA has the power to suspend or ban any athlete, member or club.

After discussion, the council agreed that there needs to be some sort of accountability but suggested that we bring our suggestions to the attention of SAEF and consult with the attorney currently dealing with our case before making a final decision.

5. Closing

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



D Horn
MAASA President

17/09/2024

Date