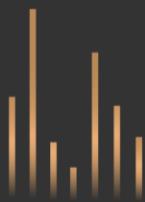




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**Case number:** NST-E25-189059

**Case Title:** Gerry Murphy v Boxing Victoria (with Boxing Australia)

## Determination

### National Sports Tribunal

General Division

sitting in the following composition:

Member

Fiona Cameron

in the arbitration between

**Gerry Murphy**

*(Applicant)*

Represented by Garry Hamilton, Solicitor and Shane Drumgold SC, Counsel

And

**Boxing Victoria**

*(Respondent)*

Represented by Scott Bindloss, President and Adrian Anderson, Counsel

And

**Boxing Australia**

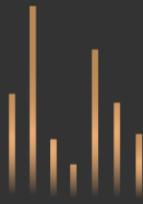
*(Applicant National Sporting Organisation)*

Represented by Kelly Loakes, National Integrity Manager



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## PARTIES

1. The Applicant (**Mr Murphy**) is a boxing coach, and the owner and head boxing coach of Murphy's Boxing Gym in Surrey Hills, Victoria.
2. The Respondent (**Boxing Victoria**) is the Victorian Member State Association for the sport of Olympic boxing in Australia.
3. The relevant National Sporting Organisation for the sport of Olympic boxing in Australia is **Boxing Australia**.

## INTRODUCTION

4. Mr Murphy applied to the NST for assistance by application dated 26 March 2025.
5. The gravamen of Mr Murphy's complaint is that he was suspended, and then his re-registration refused for the 2025 year, by Boxing Victoria. Mr Murphy says that these decisions were made without procedural fairness, in breach of Boxing Victoria's Constitution, and as part of an attempt to oust Mr Murphy from the organisation without just cause.
6. Boxing Victoria resists these allegations. It says that Mr Murphy had engaged in "cross-coding" by publicly announcing via social media that he had accepted a position on the board of another boxing organisation not sanctioned by Boxing Australia, and by encouraging boxers to participate in unsanctioned competitions. This conduct was said to be in breach of various regulations and policies of Boxing Victoria and/or Boxing Australia, and to give rise to a power of Boxing Victoria to suspend and ultimately refuse to re-register Mr Murphy.
7. Boxing Australia provided written submissions in support of the validity of the policies and the powers exercised by Boxing Victoria and attended at the oral hearing, but did not otherwise participate in the matter.

## NST JURISDICTION

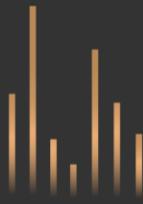
8. The NST's jurisdiction in this matter is based upon a written arbitration agreement dated 2 June 2025,<sup>1</sup> in accordance with s 24(1)(b)(ii) of the *National Sports Tribunal Act 2019* (Cth).
9. The agreement specifies at paragraph [6.5] that the NST's jurisdiction is limited to adjudicating only upon the determinations sought by the Applicant, as described in paragraphs [6.2] and [6.3] of the agreement, which state as follows:
  - 6.2. *The Applicant seeks the NST to determine that Boxing Victoria breached its Constitution by:*
    - (a) *refusing to register the Applicant without just cause;*
    - (b) *refusing to provide the Applicant with copies of the requested minute(s) by virtue of the Applicant being a member of Boxing Victoria at the relevant time;*

<sup>1</sup> Being the last date upon which one of the parties executed the agreement.



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- (c) *immediately suspending the Applicant, without first allowing the Applicant a reasonable opportunity to respond to the allegation of Cross Coding, as prescribed by and in-breach of the Cross-Coding Regulations.*

6.3. *Further, the Applicant seeks the NST to determine that:*

- (a) *by completing the online membership, the Applicant was a member pursuant to the Boxing Victoria Constitution;*
- (b) *clause 19.2 of the Boxing Victoria Constitution is unlawful on the grounds that the clause does not promote clause 3.1 of the Boxing Victoria Constitution; and*
- (c) *Boxing Australia acted beyond its constitutional power and/or breached its constitution when enacting the Cross-Coding Regulations.*

## FACTUAL BACKGROUND

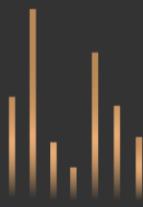
10. The following factual summary is derived from the written statements, submissions and contemporaneous records provided by the Parties, and from the oral evidence given by Mr Murphy during the hearing. The information provided was voluminous (the Arbitration Book contains over 1,200 pages), such that only the facts necessary to explain the Tribunal's reasoning in response to the proposed determinations are set out below.
11. Mr Murphy has been a boxing coach registered with Boxing Victoria since 2000, and has participated as a coach in state, national and international competitions, including as a State coach for Victoria and an assistant coach at the Boxing Australia National Championships for 15 consecutive years. Mr Murphy is also a member of Boxing Australia.
12. On Mr Murphy's evidence, he had a good relationship with Boxing Victoria until around 2018, when he says he fell into disagreement with the board. Following that time, he was not selected as a coach for Boxing Australia national events.
13. The Parties diverge as to how the critical sequence of events commenced in 2024, but it is important to first give some uncontroversial context for either version of events.
14. In 2019, the International Boxing Association (**IBA**) was suspended from the Olympic Movement and later expelled in 2023. The decision to expel the IBA was upheld by the Court of Arbitration for Sport.<sup>2</sup> The decision was of historic significance as it was the first occasion on which an international sporting federation had been expelled from the Olympic Movement. Boxing Victoria drew attention to this development in its submissions, and to the significant governance and integrity issues which had led to the IBA's suspension and ultimate expulsion.

<sup>2</sup> *Arbitral Award in the Court of Arbitration for Sport of 2 April 2024 denying the IBA's appeal in the matter of IBA v IOC CAS 2023/A/9757.*



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15. Following the IBA's expulsion, an organisation called World Boxing became recognised by the International Olympic Committee as the new International Sports Organisation for boxing and thereby the new international governing body for amateur boxing.
16. Boxing Australia determined to leave the IBA and join World Boxing, which it announced publicly via a media release on 13 August 2023. That release read in part:

*As a consequence of quitting the IBA and joining World Boxing, [Boxing Australia] members can't participate at any IBA sanctioned events, [as] athletes, coaches, referees, judges, volunteer or any other official capacity.*

*Boxing Australia is investigating alternative events to attend.*

17. Separately, on 7 August 2024, the IBA announced that it had granted provisional membership to an organisation called the Australian National Amateur Boxing Association (**ANABA**).
18. On 8 August 2024, in response to that announcement, Boxing Australia released a further statement which stated that ANABA had no association with Boxing Australia; that Boxing Australia had formally resigned from the IBA in July 2023; that Boxing Australia was the sole recognised national federation for Olympic-style boxing in Australia; and that participation in unsanctioned Olympic-style boxing events would violate Boxing Australia's rules and regulations.
19. It is against this background that Mr Bindloss says he had a conversation with Mr Murphy on around 21 July 2024, to the effect that Mr Murphy could not operate as a coach of Boxing Victoria as well as a coach for an organisation affiliated with the IBA. Under cross-examination Mr Murphy said he could not recall that conversation.
20. Mr Murphy controls a number of social media accounts on Facebook and Instagram, including under the names Gerry Murphy and 'boxer\_school'. His evidence was that those accounts have a wide audience of between approximately 14,000 and 350,000 followers, respectively. Mr Murphy said that he adopts a 'journalistic approach' to the information posted on those pages, meaning that he did not distinguish between posting information about Boxing Australia sanctioned events and unsanctioned events (e.g. those associated with the IBA or ANABA).
21. Central to Boxing Victoria's position are a series of posts made to the pages Gerry Murphy and 'boxer\_school' by Mr Murphy, including:
  - a) On 20 August 2024, a post which stated:

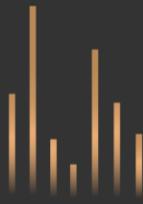
*It is with great excitement and pride to announce [that] I have been invited and have accepted a position on the board of Australian National Amateur [sic] Boxing Association, a new boxing group aimed at being inclusive as well as a developmental tool for all boxers to reach their potential in the sport.*

*The IBA have accepted the ANABA as provisional members and have over 200 member countries that participate at the highest level in the World Titles, European and Regional Titles all around the globe.*



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*To kick off the ANABA the IBA have promised to fund a hefty prize money pool for the winners of all weight and gender bouts at the Oceania Games.*

[...]

*As we are inclusive in our approach, any athlete from any organisation can enter. ...*

- b) On 28 August 2024, a post which linked to the ANABA website and, in reference to the IBA Junior World Championships due to take place in Budva, Montenegro from 23 October to 5 November 2024, stated:

*Great opportunity for all Australian boxers. It doesn't matter if you are part of Boxing Australia, League or a professional, the ANABA is inclusive and welcomes all to compete. ...*

- c) On 30 August 2024, a further post which linked to the ANABA website and in reference to the same event stated:

*Open to all Australian Youth. Book your spot ...*

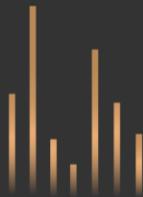
22. Boxing Victoria also rely on further posts to similar effect made on 7 September 2024, 8 September 2024 and 16 September 2024.
23. Mr Murphy's evidence is that on Wednesday, 4 September 2024, he was coaching at his boxing gym when an assistant coach informed Mr Murphy that he had been speaking with Mr Bindloss, who said words to the effect that Mr Murphy had been banned from Boxing Victoria. Mr Murphy says he telephoned Mr Bindloss later that day to ask whether that was true, and if so why. He says that Mr Bindloss told him that an emergency online meeting had been held regarding Mr Murphy's Boxing Victoria Registration due to an allegation that he was associated with the Victorian Amateur Boxing League (VABL), and that Boxing Victoria had decided to immediately suspend Mr Murphy. Mr Murphy says that he denied any such association and queried the legality of the decision as he had not had any opportunity to respond to the allegations.
24. On Thursday, 5 September 2024, Mr Bindloss sent an email to Mr Murphy which stated in part:

*It has been brought [sic] to our attention that you have joined the committee of a boxing organisation call[ed] the Australian Amateur Boxing League (AABL) which is associated with IBA. As you are aware Boxing Victoria Incorporate[d] (BVI) does not recognise the fore mentioned [sic] and your involvement with the AABL is referred to as Cross Coding and comes with a penalty of an immediate suspension and a possible deregistration. In relation to the suspension of your registration with BVI, this means that your registration will remain on our database and the suspension will restrict you from entering a BVI sanctioned event as a coach or allow you to enter the field of play. The process moving forward will be that the BVI committee will be meeting next Thursday, 12 September 2024, where we will discuss what action BVI intends to take post this meeting based on the*



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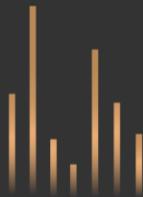
*attached policy and any other documentation / information that may be called on to make an informed decision.*

25. The email attached a copy of Boxing Australia's policy titled 'Regulations Regarding Sanctioned and Non-Sanctioned Events/Activities' last updated 29 April 2024 (**Cross-Coding Regulations**).
26. Mr Murphy says he was deeply concerned about his communications with Mr Bindloss and the suspension, as it impacted directly on his employment as a boxing coach, which is his primary source of income. The result of the suspension was that he could not coach athletes to major boxing competitions such as the Olympic and Commonwealth Games. The timing of the suspension was particularly problematic for Mr Murphy as he was due to corner a boxer in the upcoming State titles on Saturday, 7 September 2024, which were a Boxing Victoria sanctioned event.
27. By email dated 6 September 2024, Mr Murphy sought clarification of the basis for the suspension and objected to it, and to the lack of procedural fairness afforded to him. He denied that he was a member of the Australian Amateur Boxing League.
28. The reference to Australian Amateur Boxing League is said by Boxing Victoria to have been in error, and that the email confirming Mr Murphy's suspension was intended to refer instead to ANABA. It was uncontroversial that there is in fact a breakaway League for amateur boxing in Australia, which has operated for around 30 years, and which is separate to ANABA.
29. On 12 September 2024, a meeting of the Committee of Boxing Victoria was held, at which Mr Murphy's suspension was noted.
30. Further correspondence occurred between the parties, culminating in a formal letter dated 29 October 2024 from Boxing Victoria which set out the allegations against Mr Murphy and advised of the possible cancellation of his registration. These included, in summary:
  - a) that Mr Murphy had joined an unsanctioned boxing association (ANABA), relying on the 20 August 2024 social media announcement;
  - b) that ANABA was linked to the IBA; and
  - c) that Mr Murphy had been actively involved in and encouraged members of Boxing Victoria and other member states to participate in unsanctioned tournaments, relying on the various social media posts.
31. This conduct was alleged to be in breach of the Boxing Australia Cross-Coding Regulations (clause 1 and/or 2), and clause 15 of the Boxing Australia Code of Conduct. The possible sanctions were stated to be the cancellation of Mr Murphy's registration as a coach with Boxing Victoria under the Cross-Coding Regulations, various possible sanctions under the Code of Conduct including complete suspension, and, under clause 19.2(f) of the Boxing Victoria Constitution, suspension pending compliance with the relevant by-law or until the Committee otherwise determines to lift such suspension.
32. On 6 November 2024, Mr Murphy responded to that letter via his solicitor taking issue with both the allegations and the legality of the regulations relied upon by Boxing Victoria. Mr Murphy stated that he had never held a membership of either the Australian Amateur Boxing League or



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ANABA, nor any boxing club not affiliated with Boxing Australia, nor had he ever participated in an unsanctioned tournament or non-recognised international federation tournament.

33. On 2 February 2025, a further meeting of the Committee of Boxing Victoria was held, during which the Committee refused Mr Murphy's application for re-registration. The minutes of that meeting record:

*Gerry Murphy's registration rejected due to involvement with breakaway organisation and these actions being against the World Boxing and Boxing Australia/Victoria constitution. [Scott Bindloss] to write formal letter and organise membership refund.*

34. Mr Murphy was advised of the decision of Boxing Victoria by email from Mr Bindloss on 6 February 2025, which stated:

*We wish to inform you that your registration for the year 2025 has been denied. As per our constitution clause 19.2, the Boxing Victoria Board reserves the right to accept or decline memberships at its discretion. Your registration will be refunded in full.*

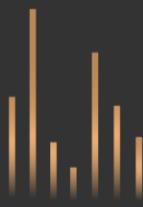
## PROCEEDINGS BEFORE THE NST

35. Following Mr Murphy's application on 26 March 2025, which was accompanied by an affidavit sworn by Mr Murphy and attached evidence in support of his complaint, the Parties entered into the Arbitration Agreement on 2 June 2025 as noted above.
36. On 10 June 2025, a procedural timetable was set following consultation with the Parties providing for each to submit any written submissions, statements of evidence and further documents upon which they intended to rely, and for a hearing to occur on a date after 21 July 2025.
37. On 17 June 2025, Boxing Victoria provided a written statement of Scott Bindloss, President of Boxing Victoria together with attached supporting documentation, and Boxing Australia provided separate written submissions and supporting documentation.
38. Also on 17 June 2025, written submissions were filed on behalf of Mr Murphy, together with further supporting documents and cases and legislation on which Mr Murphy relied.
39. On 14 July 2025, Boxing Victoria provided written submissions and further supporting documentation.
40. A hearing in the matter was held on 22 August 2025 by Microsoft Teams, at which each of the Parties attended and had the opportunity to make oral submissions and tender evidence. Counsel for Boxing Victoria also cross-examined Mr Murphy in respect of his affidavit. No cross-examination of Mr Bindloss proceeded, however counsel for Mr Murphy made submissions as to the weight to be given to Mr Bindloss's statement which are addressed below.
41. No party made any objection to the composition of the Tribunal, and each party was given the opportunity at the end of the hearing to raise any other matter but declined.



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## APPLICABLE RULES

42. Boxing Victoria's Constitution (version last updated 4 February 2024) provides as follows:

- a) in clause 3.1, the objects of Boxing Victoria are:
  - (a) *promoting, developing and otherwise furthering the sport of amateur boxing in Victoria;*
  - (b) *promoting and encouraging boxing competitions and championships, both within and outside Victoria;*
  - (c) *representing the interests of members, and the sport of amateur boxing generally, in all appropriate forums in Victoria;*
  - (d) *making By-laws and other rules for the control, regulation and management of amateur boxing within Victoria; with such By-laws and other rules to be consistent with this Constitution and, so far as the laws of Victoria allow, with the Boxing Australia Constitution and with all Regulations; and*
  - (e) *otherwise pursuing and furthering the objects of Boxing Australia, both within and outside Victoria.*
- b) in clause 4.1, Boxing Victoria:
  - (a) *shall have the power to undertake all such actions and activities as may be necessary, incidental or conducive to the advancement of the objects of Boxing Victoria; and*
  - (b) *shall otherwise have all the powers of an association incorporated under the Act.*
- c) in clause 8.3(a):
  - (a) *All applications for membership of Boxing Victoria shall be:*
    - (i) *in the form set out in Appendix 1 to this Constitution;*
    - (ii) *accompanied by the notice in writing referred to in clause 8.2(g) of this Constitution; and*
    - (iii) *lodged with the Secretary.*
- d) in clause 8.3(c):
  - (c) *As soon as practicable after receiving an application for membership of Boxing Victoria from the Secretary, the Committee must, in the reasonable exercise of its discretion, either approve or reject the application.*



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e) in clause 8.3(d):

(d) *As soon as practicable after the Committee has either approved or rejected an application for membership of Boxing Victoria, the Secretary must:*

- (i) *notify the applicant in writing of the Committee's decision to approve or reject the application (as the case may be); and*
- (ii) *if the Committee has approved the application, request the approved applicant to pay, within the period of 14 days after receipt by the applicant of such request, the sums payable in accordance with clause 8.5(a) and clause 8.5(b) of this Constitution as an entrance fee and an annual membership subscription fee respectively.*

f) in clause 8.3(e):

(e) *Upon payment in full of the sums referred to in clause 8.3(d) of this Constitution, the approved applicant shall be, and be deemed to be, a member of Boxing Victoria.*

g) in clause 12.2(a):

(a) *The control, management, direction and business of Boxing Victoria under this Constitution are, between General Meetings of Boxing Victoria duly convened pursuant to this Constitution, vested in the Committee acting in accordance with this Constitution.*

h) in clause 12.2(b)(i) and (vii):

(b) *Subject to the requirements of the Act and of this Constitution, and without limiting the generality of clause 12.2(a) of this Constitution, the Committee is empowered to:*

- (i) *perform all acts and do all things which may appear to the Committee to be necessary or desirable in the proper management of the affairs of Boxing Victoria;*

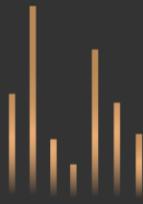
...

- (vii) *develop and implement policies (and, where appropriate, By-Laws) in relation to participants' protection, equal opportunity, equity, drugs in sport, health, safety, risk management, junior, senior and women's programs and such other matters as may arise from time to time; all such policies and By-Laws being consistent with, and complementary to, any similar policies and Regulations developed by Boxing Australia; ...*



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i) in clause 12.2(c):

(c) *In the discharge of its functions, powers and responsibilities under this Constitution, the Committee shall at all times act:*

- (i) *in accordance with, and in furtherance of, the objects of Boxing Australia and of Boxing Victoria; and*
- (ii) *subject to the requirements of the Act and of this Constitution, in conformity with resolutions of the members in General Meeting.*

j) in clause 17.3(a):

(a) *Regulations made by Boxing Australia from time to time which:*

- (i) *relate to the administration, conduct or development of amateur boxing;*
- (ii) *relate to the conduct of boxing competitions; or*
- (iii) *authorise Boxing Australia, where appropriate, to test and/or discipline any person who is a member of Boxing Victoria, or any boxer, boxing official or other individual, club, association or other entity who or which is registered or affiliated with Boxing Victoria, in accordance with Boxing Australia's Anti-Doping or Participants' Protection Regulations, as amended from time to time;*

*shall be taken to be, and shall be applied as, By-Laws of Boxing Victoria from the time of their adoption by Boxing Australia, subject only to any requirement to the contrary in the Act.*

k) in clause 17.3(b):

(b) *In the event of any conflict between a Regulation made by Boxing Australia of a kind referred to in clause 17.3(a) of this Constitution and any By-Law (pre-existing or otherwise) adopted by Boxing Victoria, then the Regulation of Boxing Australia shall prevail to the exclusion of the By-Law of Boxing Victoria to the extent of such conflict.*

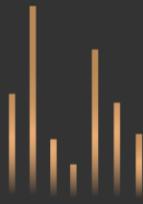
l) in clause 19.1, provision for the establishment and maintenance of a Register of Boxing Officials, and in clause 19.2(a) and (b):

(a) *Any boxing official may apply in writing to the Committee, through the Secretary, to be registered on the Register of Boxing Officials; and all such applications shall be in the form set out in Appendix 4 to this Constitution.*



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(b) *The Committee may, in the exercise of its absolute and unfettered discretion, refuse to register any applicant for registration on the Register of Boxing Officials without necessarily providing any reason for such refusal.*

43. In Appendix 1 to the Constitution, a form is set out by which a person may apply for membership of Boxing Victoria. Appendix 4, titled 'Application for Registration as a Boxing Official...' includes a note which reads: "*Please Note: Registration is completed On-Line*".

44. Boxing Australia's Constitution provides as follows:

- in clause 5.1, that various categories of membership were available, including for Individual Members (including athlete, Coach, Referee or Judge Members) who shall not have the right to receive notice, attend or vote at General Meetings of Boxing Australia;
- in clause 5.2(a) that by applying for membership, a Member undertook to be bound by the Constitution, the Statutes and Regulations and the Policies adopted by Boxing Australia;
- in clause 5.6(c), that in addition to the effect of membership set out in clause 5.2, an Individual Member must comply with this Constitution and the Policies and support the Company and the Objects;
- in clause 20.1 and 20.2, authorised the making of policies which, subject to consistency with the Constitution, are binding on all Members.

45. Among the Policies and Regulations of Boxing Australia, key is the Cross-Coding Regulations, which provide:

- in clause 1:

*Members of Boxing Australia (BAL) and any State Association are prohibited from joining or maintaining membership in:*

  - any other boxing association which is not another State Association of BAL; or*
  - any boxing club which is not registered or otherwise affiliated with a State Association of BAL.*
- in clause 2:

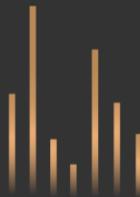
*Members of Boxing Australia and any State Association are prohibited from participating in:*

  - any unsanctioned tournaments (not approved by a State Association or BAL)*
  - any non-recognised International Federation sanctioned tournaments*
- in clause 3:



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*If a Member registered with a State Association participates in any boxing competition in breach of clause 2 of these Regulations, then the Committee of that State Association shall cancel the registration of such Member with their State Association and therefore Boxing Australia.*

d) in clause 4:

*Before reaching any determination to cancel the registration of a Member with a State Association in accordance with clause 3 of these Regulations, the Committee of that State Association must first ensure that natural justice and procedural fairness are accorded to that member and, without limiting the generality of the foregoing, provide the Member with a reasonable opportunity to be heard (orally or in writing).*

46. Additionally, the Boxing Australia Code of Conduct provides:

- a) that the purpose of the Code of Conduct is to *declare the standard of conduct Boxing Australia Limited (BAL) expects of its members, and to declare specific behaviours BAL considers inappropriate and contrary to the interests of the sport, and which may result in disciplinary action.*
- b) that it applies to persons in various capacities but relevantly including coaches and officials;
- c) that a breach of the Code of Conduct can result, relevantly, in the complete suspension from participation as a coach or official in future Boxing Australia sanctioned events; and
- d) in clause 15 of the Code of Conduct, a prohibition on using 'your involvement with boxing to promote your own beliefs, behaviour or practices where these are inconsistent with those of [Boxing Australia], Member Associations or Affiliates'.

47. Finally, the Registration of Members by State Associations Regulations provide in clause 1 that, subject to the provisions contained in its Constitution, each State Association has jurisdiction to register (relevantly) applicant coaches 'and other relevant members (known as Members) on its Register of Members database linked with Boxing Australia'.

## MAIN SUBMISSIONS OF THE PARTIES

48. Each of the parties provided detailed written submissions, and counsel for each of Mr Murphy and Boxing Victoria also provided oral submissions at the hearing. The key points of each are summarised below and addressed in further detail under each relevant issue in the section headed 'Consideration' below. This summary is not intended to be a complete recitation of the various submissions provided.

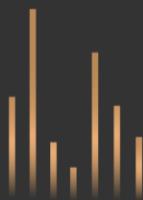
49. On behalf of Mr Murphy, it was submitted that:

- a) Notwithstanding Boxing Victoria's attempts to characterise Mr Murphy as merely a registered Boxing Official, he was in fact a member of Boxing Victoria with all of the rights attaching to membership of the incorporated association. Counsel for Mr Murphy pointed to the various references to 'membership' in both the online registration form



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completed by Mr Murphy, the meeting minutes of Boxing Victoria, and the correspondence between the parties.

- b) The decision to suspend Mr Murphy was predetermined and based upon the Boxing Victoria Committee being 'set against' Mr Murphy. Counsel for Mr Murphy described the decision as being 'in search of a power', but that no such power existed under clause 19 of the Boxing Victoria Constitution. Alternatively, counsel submitted that clause 19 was unreasonably wide if not read as subject to the requirements of procedural fairness and natural justice.
- c) Under the Cross-Coding Regulations, any decision to refuse (or cancel) Mr Murphy's registration first required him to have been afforded procedural fairness, which was not done. Counsel for Mr Murphy submitted that even though the express reference to procedural fairness was only in relation to cancellation of membership, this must be understood as extending also to any interim sanction such as suspension, as it would be a bizarre outcome if procedural fairness obligations were not applied consistently throughout the one disciplinary process.
- d) Further, the Cross-Coding Regulations were unreasonably broad in their apparent scope of application and could in theory apply even to community fitness type boxing clubs. The Regulations should therefore be found to be unworkable and contrary to the objects contained in the Boxing Australia Constitution.
- e) Finally, as a matter of fact, Mr Murphy was never a member of any unsanctioned organisation, nor did he participate in any unsanctioned competition.

50. Counsel for Mr Murphy accepted that there were arguments raised in Mr Murphy's written submissions going beyond the specific agreed jurisdiction of the tribunal, including those regarding the *Administrative Decision (Judicial Review) Act 1977* (Cth) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic). These arguments are accordingly not further addressed in these reasons.

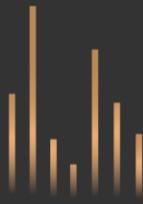
51. On behalf of Boxing Victoria, it was submitted that:

- a) Mr Murphy was not a member of Boxing Victoria, but a Registered Official. Although the online form referred to 'membership', no person could become a member of Boxing Victoria otherwise than in accordance with the procedures set out in the Constitution, which the online form did not satisfy.
- b) Although accepting the decision to suspend Mr Murphy was made 'hastily', Boxing Victoria had power to suspend under both the Boxing Australia Participant Protection Regulations and the Code of Conduct, which each applied to Boxing Victoria by reason of its adoption of Boxing Australia's regulations and policies.
- c) No procedural fairness was required to be afforded to Mr Murphy. The power exercised by Boxing Victoria under clause 19.2 of the Constitution expressly conferred power on the Committee to act in the unfettered exercise of their discretion. Additionally, clause 1 of the Cross-Coding Regulations did not lead to any procedural fairness obligations, which by clause 4 of the Cross-Coding Regulations applied only to alleged breaches of clauses 2 and 3 of those Regulations.



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- d) In any event, even if procedural fairness was required to be afforded, counsel for Boxing Victoria submitted that the content of procedural fairness obligations must be understood in context, having regard to the words of the Constitution, policies and regulations and to the voluntary status of the Committee members. It was submitted that Mr Murphy was afforded procedural fairness by the sending of the letter dated 29 October 2024 which provided him with notice of the allegations and evidence relied on and afforded him an opportunity to respond.
- e) Although it was accepted that there was no evidence Mr Murphy had himself participated in any unsanctioned competitions, there was ample evidence to reach the conclusion that Mr Murphy had promoted participation in those unsanctioned competitions by his boxers and had used his involvement in boxing to promote views inconsistent with Boxing Australia's stated policies, in breach of the Code of Conduct.
- f) Accordingly, there was just cause for both the suspension and the ultimate refusal to re-register Mr Murphy and no breach of the Constitution by Boxing Victoria's actions.
- g) Finally, clause 19.2 of the Constitution was not unconstitutional, or inappropriately wide. The power to refuse to register officials was fundamental to an organisation in the circumstances of Boxing Victoria, as it was desirable for them to have broad control and discretion over who would be permitted to participate as an official in light of its role in ensuring the sport of amateur boxing was conducted in accordance with appropriate standards.
- h) Boxing Victoria otherwise relied on the written submissions of Boxing Australia.

52. In written submissions, Boxing Australia submitted that:

- a) in accordance with its Constitution, it was empowered to regulate boxing in Australia and ensure all competitions conducted were in accordance with its technical and competition rules and such other rules as may be adopted by Boxing Australia, and to prevent and address threats to the integrity of boxing;
- b) further pursuant to the Constitution, Member Associations of Boxing Australia (including Boxing Victoria) were obliged to enforce the Boxing Australia Constitution, Regulations and Policies;
- c) Boxing Australia was also specifically empowered under its Constitution to make Regulations regarding discipline, grievances, disputes and sanctions;
- d) those Regulations and Policies included the Sanction Policy and the Cross-Coding Regulations, which it said were consistent with, and fell within, the constitutional powers referred to above and were consistent with the Objects of Boxing Australia set out in its Constitution.

## **CONSIDERATION**

53. These reasons address below each of the specific issues raised for determination by this Tribunal. Given the other issues turn in whole or in part on the characterisation of Mr Murphy's status as either a member or a Registered Official of Boxing Victoria, issue 6.3(a) is addressed in first place.



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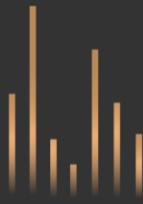
**6.3(a) – Was the Applicant a member of Boxing Victoria pursuant to its Constitution by completing the online membership?**

54. The process of registration as a Registered Official of Boxing Victoria was moved online some four or five years ago, as appears from Appendix 4 to the Boxing Victoria Constitution.
55. Mr Murphy provided screenshots of the online registration process he completed to seek registration for the 2024 and 2025 years. Those screenshots illustrate that the online registration form available through Boxing Victoria's website uses the terms "registration", "membership" and "member" indiscriminately, along with references to other roles including boxing coach. The button options available to select within the form refer expressly to either a *"Returning Member: I have registered for Boxing in the past"* or *"New Member: I have never registered for Boxing before"*.
56. I note that Mr Murphy's affidavit states that:
  - a) at all material times, he was a *"boxing coach registered with Boxing Victoria Incorporated ... and had been registered with [Boxing Victoria] for approximately 24 years"* (at paragraph 1);
  - b) that his registration with Boxing Victoria *"has always entitled me to rights within [Boxing Victoria] as a member"* (at paragraph 3);
  - c) that he believed, based on the website, that *"[Boxing Victoria] registration/membership permits me to, amongst other things, coach and corner athletes within the [Boxing Victoria] state competition system and also coach athletes at a national/international level within [Boxing Australia], to which I pay an annual fee to [Boxing Victoria]"* (at paragraph 5); and
  - d) that at no time had he been advised that the change from a paper system to online registration affected his *"rights as a member"*, nor that to be considered a member with Boxing Victoria required a separate process other than the online registration system.
57. It is highly unsatisfactory that Boxing Victoria's online forms were the source of such confusion, and even more unsatisfactory that during the hearing Boxing Victoria sought to shift the blame for this confusion onto a third-party webform provider. Notwithstanding the voluntary participation of their Committee members, Boxing Victoria has a responsibility to ensure that it does not potentially mislead its participants as to the nature of those participants' relationship with Boxing Victoria. I urge the Committee to review and correct the content of the online forms as soon as possible.
58. The confusion generated by the form is also not aided by the use of the term "Member" to describe Mr Murphy's relationship with Boxing Australia, noting that the Boxing Australia Constitution (unlike the Boxing Victoria Constitution) describes different categories of "Members" with varying rights.
59. However, I accept as legally correct the submission put on behalf of Boxing Victoria that the regrettably inaccurate language in the online form does not determine the nature of Mr Murphy's relationship with Boxing Victoria. Nor does the confusion evident in the use of the words 'registration' and 'membership' in the minutes of meetings and correspondence between



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the parties. That relationship is exclusively governed by the Constitution of Boxing Victoria. As provided by s 51(2) of the *Associations Incorporation Reform Act 2012* (Vic), persons may be admitted as members of an incorporated association “*in accordance with its rules*”.

60. Having regard to the terms of the Constitution, it is apparent that Mr Murphy was and had always been until early 2025 a Registered Official pursuant to the provisions of clause 19 of the Constitution, and not a member of the incorporated association. The rights Mr Murphy describes enjoying in paragraph 5 of his affidavit are those of a Registered Official, not a member of the incorporated association with rights to attend AGMs and vote on resolutions.
61. Boxing Victoria’s Constitution is available on its website, and although one would not necessarily expect a lay person to read and interpret it, that document does explain the different categories of Member and Registered Official, and specify different registration pathways for each in Appendices 1 and 4.
62. Accordingly, the answer to issue 6.3(a) is **no**, Mr Murphy was not a member of Boxing Victoria.

**6.2(a) – Did Boxing Victoria breach its Constitution by refusing to register the Applicant without just cause?**

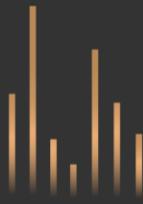
63. Having concluded above that Mr Murphy was seeking re-registration as a Boxing Official in accordance with clause 19 of the Boxing Victoria Constitution, in answering issue 6.2(a) it is necessary to consider the power of refusal contained in clause 19.2(b).
64. The parties both appeared to address procedural fairness (if it was required to be afforded) as forming part of the consideration as to whether Boxing Victoria acted without just cause, in breach of its Constitution.
65. I accept the submission of Boxing Victoria that the requirements of procedural fairness are flexible and informed by the context in which a decision falls to be made.<sup>3</sup> Here, that includes the words of clause 19.2(b) of the Constitution, which confer an “*absolute and unfettered discretion*” on the Committee, and the status of the Committee members as volunteers administering an amateur sporting organisation.
66. Against this are the further contextual matters that Mr Murphy had been registered as a boxing coach with Boxing Victoria for 24 years, and that cancellation of his registration was likely to have an impact on his livelihood as a boxing coach, as it would preclude him from coaching athletes at competitions sanctioned by Boxing Victoria and Boxing Australia. I do not accept a submission made on behalf of Boxing Victoria to the contrary; it is not possible to rely on an impression formed after the decision was made as to whether Mr Murphy’s business appears to have in fact been harmed. The potential impact was live at the time of the decision to refuse his application for re-registration and therefore informed the legitimate expectations and interests of Mr Murphy.
67. An absolute and unfettered discretion does not automatically equate to a power to act without any bounds whatsoever, nor indeed a power to act without affording procedural fairness

<sup>3</sup> *Kioa v West* (1985) 159 CLR 550, 585 (per Mason J).



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regardless of the circumstances. For instance, it is unlikely to have been intended to encompass a decision made capriciously or in bad faith.

68. Additionally, it must be kept in mind that the power to refuse registration was, in Mr Murphy's circumstances, akin to a power of expulsion, to which it has long been recognised that rules of natural justice apply.<sup>4</sup>
69. In the particular circumstances of Mr Murphy, I consider that the Committee was required to afford procedural fairness by giving Mr Murphy a reasonable opportunity to be heard before deciding whether to refuse his application for re-registration. The content of that reasonable opportunity to be heard required the Committee to give Mr Murphy notice of the allegations and evidence against him, and to afford him a reasonable opportunity to respond to them.
70. I consider that those requirements were met by the letter dated 29 October 2024 sent to Mr Murphy on behalf of Boxing Victoria, and by the receipt of Mr Murphy's response dated 6 November 2024.
71. I do not consider that procedural fairness in the circumstances of a volunteer committee required, for instance, an oral hearing before the Committee (although one was offered in the letter of 29 October 2024) or the provision of written reasons. Once the Committee's discretion was enlivened by the making of allegations founded by evidence, and they had afforded Mr Murphy a reasonable opportunity to be heard, the exercise of the Committee's discretion was unfettered.
72. As to whether there was just cause for the exercise of that discretion, in the sense of it having been exercised for a proper purpose and based on actual evidence of a breach by Mr Murphy of a Regulation or Policy applicable to him, I find that there was just cause.
73. It appears from the evidence that there is an ideological divergence between Mr Murphy on the one hand, and Boxing Australia and Boxing Victoria on the other, as to the role of the Cross-Coding Regulations and the potential public interest in encouraging participation in both Boxing Australia sanctioned and IBA sponsored competitions. Boxing Australia (and correspondingly, Boxing Victoria by the adoption of its policies) has made its position on IBA sponsored competitions clear: they are considered non-sanctioned events, participation in which will be in breach of the Cross-Coding Regulations.
74. Mr Murphy's view seems to have been articulated in a post to the 'boxer\_school' Instagram page dated 11 April 2025, put into evidence by Boxing Victoria, which stated in part:

*"It has come to our attention that Boxing Australia may suspend athletes competing in International Boxing Association sanctioned events ...*

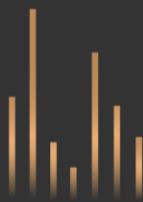
*For Australia to become successful we need to strive to have best athletes compete and to be selected for both the Olympics and the World Championships no matter where they come from.*

<sup>4</sup> *McClelland v Burning Palms Surf Life Saving Club* [2002] NSWSC 470, [82], citing *Wood v Woad* [1874] LR 9 Ex 190.



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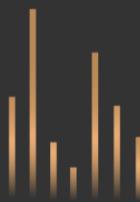
*We need to keep politics out of sport and do what Australians do best –  
“Just have a crack!” ...”*

75. That is, Mr Murphy's view appears to be that *all* participation in amateur boxing is to be supported and encouraged, regardless of code. A similar sentiment is reflected in some of the other social media posts referenced above.
76. It is not the role of this Tribunal to determine whether one or other party is “right” on this front. But the issue as to whether Boxing Victoria acted with just cause is answered in part by the fact of the parties' differing views. The letter of 29 October 2024 included as one of the allegations that Mr Murphy had by his social media posts encouraged participation in unsanctioned tournaments, which for Boxing Victoria or Boxing Australia registered boxers would put them in contravention of clause 2 of the Cross-Coding Regulations. This was said to breach clause 15 of the Code of Conduct, which prohibited Mr Murphy from using his involvement with boxing to promote his own beliefs, behaviours or practices where these were inconsistent with those of Boxing Australia or Boxing Victoria.
77. As counsel for Boxing Victoria highlighted, there is a legitimate interest in Boxing Australia and Boxing Victoria restricting the participation of its registered boxers and officials in other codes, over which Boxing Australia and Boxing Victoria have no control. These include ensuring the safety, integrity and reputation of amateur boxing as administered by Boxing Australia and its Member Associations. It also has a legitimate interest in setting expected standards of behaviour for its participants, including registered officials such as coaches. Exactly what those standards are, and how they choose to effect them, is largely a matter for the committees of those organisations, subject only to compliance with their respective Constitutions and governing laws.
78. It is sufficient for Boxing Victoria to have acted with just cause in light of the following matters:
  - a) Boxing Australia had for many years prohibited cross-coding by the Cross-Coding Regulations, with which Boxing Victoria was obliged to comply;
  - b) the Code of Conduct applicable to Mr Murphy expressly prohibited him from using his involvement with boxing to promote contradictory beliefs (including the belief that cross-coding should not be prohibited, or put another way, that participation across codes should be encouraged); and
  - c) Boxing Victoria had before it evidence of Mr Murphy's breach of the Code of Conduct, which was not dispelled by his response of 6 November 2024.
79. As noted above, counsel for Boxing Victoria conceded that there was ultimately no evidence that Mr Murphy had himself participated in any unsanctioned event. Nor, I find, was the mere statement by Mr Murphy via social media that he had accepted a position on the Board of ANABA sufficient for him to have *in fact* participated in cross-coding. But this does not detract from the conclusion that the Committee had just cause to exercise its discretion to refuse Mr Murphy's application for re-registration by reason of his breach of the Code of Conduct.
80. Accordingly, the answer to issue 6.2(a) is **no**, Boxing Victoria did not breach its Constitution by refusing to register Mr Murphy. That is, it had just cause for the refusal.



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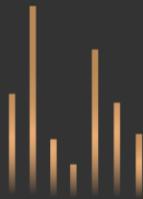


**6.2(b) – Did Boxing Victoria breach its Constitution by refusing to provide the Applicant with copies of requested minutes by virtue of the Applicant being a member of Boxing Victoria at the relevant time?**

81. As set out in response to issue 6.3(a) above, the Tribunal has determined that Mr Murphy was not a member of Boxing Victoria at the relevant time.
82. Accordingly, the answer to issue 6.2(b) is **no**, Boxing Victoria was not obliged to provide copies of the requested minutes as Mr Murphy was not a member of the incorporated association.

**6.2(c) – Did Boxing Victoria breach its Constitution by immediately suspending the Applicant, without first allowing the Applicant a reasonable opportunity to respond to the allegation of Cross Coding, as prescribed by and in breach of the Cross-Coding Regulations?**

83. In answering this issue it is first necessary to consider the source of power for Boxing Victoria to have suspended Mr Murphy.
84. It was submitted on behalf of Mr Murphy that the Cross-Coding Regulations relied upon in Boxing Victoria's initial email advising of the suspension do not contain a power of suspension. That is correct. It is also true that the allegations relied upon in that email were inaccurate in their reference to the 'Australian Amateur Boxing League'. Given that the League appears to be an extant, separate organisation, it cannot be said that it would necessarily have been obvious to Mr Murphy that the email was intended to refer instead to ANABA.
85. On its face, therefore, the initial notice of suspension was deficient.
86. Even if a power of suspension were to be implied into the Cross-Coding Regulations, I consider that it would be subject to the same requirements of procedural fairness described above in relation to the power to refuse Mr Murphy's registration. This conclusion is strengthened by the express requirement in clause 4 to afford natural justice and procedural fairness, attaching to the only express power of cancellation contained in the Cross-Coding Regulations (which did not in any event seem to be applicable).
87. The Constitution does not expressly provide for a power of suspension in respect of Registered Officials. Boxing Victoria drew attention to alternative powers of suspension contained in the Code of Conduct and the Participant Protection Regulations. As regulations and policies of Boxing Australia, those documents were to be applied as By-Laws of Boxing Victoria pursuant to clause 17.3(a) of the Boxing Victoria Constitution.
88. Although it is true that the Code of Conduct and Participant Protection Guidelines each provide a power to suspend, that is not to say they are free from the requirements of procedural fairness discussed above. Those documents set out a wide range of potential sanctions, relevant to a very wide range of prohibited conduct, ranging from non-compliance with Boxing Australia's social media policy to breach of child safeguarding obligations. As above, the content of the requirements of procedural fairness must necessarily vary according to the nature of the alleged breach and the surrounding circumstances.
89. Indeed, the Participant Protection Regulations expressly recognise the need to consider a range of factors before imposing disciplinary measures, including the seriousness of the behaviour, whether it is a 'one-off' or part of an overall pattern of behaviour, whether it is an



honest and reasonable mistake, and the potential impact of the proposed sanction on the respondent (clause 8). This tends to indicate a requirement to afford a respondent an opportunity to be heard where appropriate, having regard to all other relevant factors.

90. There is nothing in the Code of Conduct and Participant Protection Regulations, nor in the circumstances, which appears to have warranted imposing an immediate suspension on Mr Murphy without notice. Particularly relevant to the decision to suspend was the immediate impact upon Mr Murphy of being unable to coach his athletes in competitions as soon as two days after the suspension was implemented. This is a matter which ought to have been within the contemplation of the Committee of Boxing Victoria. The allegations against Mr Murphy, although serious, were not of a kind to warrant immediate removal from the field of play, as may be the case where the alleged conduct poses an immediate and unacceptable safety risk to athletes or other participants.
91. Finally, I note that it is not clear that the decision to suspend Mr Murphy was made by resolution of the Committee in any way recognised by the Boxing Victoria Constitution. Although it establishes procedures to hold telephone or audio-visual link meetings (in clause 12.12) and to reach resolutions by email without the need for a meeting (clause 12.12A), each of which might appropriately be deployed in urgent circumstances, neither of those procedures were followed in determining to suspend Mr Murphy. Rather, the decision was reached by the then President phoning two other Committee members to seek their agreement. As such, the decision appears to have been invalid in any event.
92. Accordingly, the answer to issue 6.2(c) is **yes**, Boxing Victoria acted in breach of its Constitution by immediately suspending Mr Murphy, without first allowing him a reasonable opportunity to respond to the allegations against him.

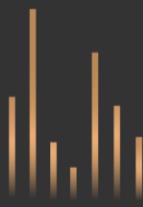
**6.3(b) – Is clause 19.2 of the Boxing Victoria Constitution unlawful on the grounds that it does not promote clause 3.1 of the Boxing Victoria Constitution?**

93. As a starting point, it is not apparent from the terms of the Boxing Victoria Constitution itself that an apparent inconsistency between the objects in clause 3.1 of the Constitution and some other clause will result in that other clause being unlawful. Clause 1.5(a) of the Constitution considers a situation of any provision or part of a provision being ‘invalid or unenforceable in Victoria’, for which the remedy is to read down the provision, or to sever it to the extent of invalidity if necessary (clause 1.5(b)).
94. However, in order to directly answer the issue as raised, it is necessary to consider the objects set out in clause 3.1 of the Constitution. These include (among others) promoting, developing and otherwise furthering the sport of amateur boxing in Victoria; promoting and encouraging boxing competitions and championships, both within and outside Victoria; making By-laws and other rules for the control, regulation and management of amateur boxing within Victoria; and otherwise pursuing and furthering the objects of Boxing Australia, both within and outside Victoria.
95. The argument on behalf of Mr Murphy appeared to be that this meant Boxing Victoria was required to act always in the encouragement of *all* participation in the sport of amateur boxing in Victoria. It was said that clause 19.2 of the Constitution, permitting an unfettered right of



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refusal of registration in respect of Registered Officials, conflicted with this objective. This was said to be particularly illustrated by the circumstances where a ground of refusal under clause 19.2, having regard to the breadth of the Cross-Coding Regulations, may be any trivial participation in amateur boxing activity outside of sanctioned competitions, such as a local boxing fitness club.

96. I do not consider this case raises the factual scenario posited by counsel for Mr Murphy which would test the outer extreme limits of the power in clause 19.2 or the Cross-Coding Regulations. Read in the way I have indicated in responding to issue 6.2(a) above, that is, subject to flexible requirements of procedural fairness according to the circumstances, there does not seem to be any inconsistency or unlawfulness of clause 19.2. Rather, the power to refuse registration (subject to procedural fairness requirements) including for cross-coding is consistent with the objects in subclauses 3.1(d) and (e) of Boxing Victoria's Constitution, in that it permits:
  - a) the enforcement of Boxing Victoria's By-Laws and other rules for the control, regulation and management of amateur boxing within Victoria, and
  - b) the furtherance of the objects of Boxing Australia which include (among other things) adopting and exercising the Sporting Power as the National Federation for boxing in Australia; acting as the sole Australian affiliated member of the International Boxing Association (AIBA); and governing, regulating and controlling both AIBA Open Boxing and AIBA Pro Boxing in Australia (Boxing Australia Constitution, clause 2.2); noting that the acronym AIBA appears to be a reference to the IBA as the former relevant international governing body, but should be read as a reference to World Boxing following the events referred to in paragraphs [15]-[16] above.
97. Accordingly, the answer to issue 6.3(b) is **no**, clause 19.2 of the Boxing Victoria Constitution is not in conflict with clause 3.1 of the Constitution and is not unlawful.

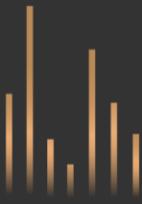
**6.3(c) – Did Boxing Australia act beyond its constitutional power and/or breach its Constitution when enacting the Cross-Coding Regulations?**

98. The Board of Boxing Australia is expressly empowered by clause 7.2 of the Constitution to make Regulations for the disciplining of the members of Member Associations and of the boxers, boxing officials and others who are registered or affiliated with such Member Associations.
99. Additionally, by clause 14.3 the Board is empowered to make, amend and replace such Regulations as may be required by the provisions of the Constitution and *“such other Regulations which in the opinion of the Board are necessary or desirable for the control, management and administration of Boxing Australia and of the sport of boxing”*.
100. Either and both of these powers afford Boxing Australia the ability to enact the Cross-Coding Regulations. For the reasons articulated in answer to issue 6.3(b) above, those Regulations cannot be considered to be in conflict with the objects of Boxing Australia.



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101. Accordingly, the answer to issue 6.3(c) is **no**, Boxing Australia did not act beyond its constitutional power and/or breach its Constitution when enacting the Cross-Coding Regulations.

**THE TRIBUNAL THEREFORE DETERMINES:**

1. That Boxing Victoria breached its Constitution by immediately suspending the Applicant, without first allowing the Applicant a reasonable opportunity to respond to the allegation of Cross-Coding, as prescribed by and in breach of the Cross-Coding Regulations.
2. The Application is otherwise dismissed.

Date: 29 August 2025

Fiona Cameron