

Case number: NST-E25-144341

Case Title: Russell Bentley v Toowoomba Motorcycling Club (Motorcycling Australia)

Determination

National Sports Tribunal

General Division

sitting in the following composition:

Member

Lisa De Ferrari SC

in the arbitration between

Mr Russell Bentley

(Applicant)

(Self-represented)

And

Toowoomba Motorcycling Club

(Respondent)

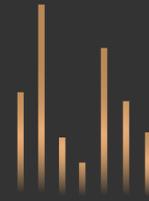
(Represented by Mr Nathan Bond, President and Mr Rodney Wood, Senior Vice President)

And

Motorcycling Australia

(Applicant National Sporting Organisation)

(Represented by Mr Ian Fullagar, Legal Representative)



PARTIES

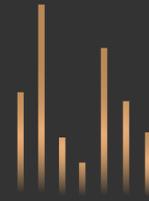
1. In 2024, Mr Russell Bentley was a Life Member of the Toowoomba Motorcycling Club (**TMCC**). He was also a past President and past Treasurer of TMCC and the Chair of Motorcycling Queensland. Mr Bentley's life membership was terminated by the Toowoomba Motorcycling Club (**TMCC**), and he is aggrieved by that decision.
2. TMCC is a Queensland club dedicated to the sport of motorcycling. It is regulated by a written Constitution, relevantly in the form as in force since 24 February 2024 (**TMCC Constitution**).
3. Motorcycling Australia is the relevant National Sporting Organisation. It took no active part.

INTRODUCTION

4. This dispute relates, on the one hand, to how TMCC viewed certain actions by Mr Bentley – namely, his actions, together with two other Life Members of TMCC, related to organising for an annual Vintage Trial Ride to occur, in 2024, not through TMCC but through another club of which Mr Bentley was also a member (**Cooby Dam Event**). It also relates to how TMCC responded to those actions by Mr Bentley – namely, terminating Mr Bentley's life membership and imposing a 5-year ban on being able to hold any Executive Committee, subcommittee or other position of authority at TMCC.
5. The dispute also relates to how Mr Bentley viewed what TMCC did – in terms of both the process that was adopted by TMCC and the sanction and penalties imposed. Mr Bentley disputes that he has done anything wrong in relation to the Cooby Dam Event.
6. On 11 March 2025, Motorcycling Australia referred Mr Bentley's complaint against TMCC to the NST.
7. In his application, Mr Bentley has said that the dispute relates to "harassment", "discrimination" and "disciplinary", and he has sought the following relief:
 - a. Re-instatement of life membership.
 - b. A formal apology from the Executive Committee.
 - c. The Executive Committee to stand down and for present members to be not eligible for re-election.
 - d. TMCC to reimburse him, Motorcycle Queensland and Motorcycling Australia for costs incurred.

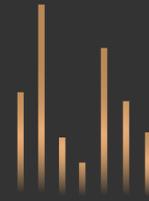
NST JURISDICTION

8. Section 24(1) of the *National Sports Tribunal Act 2019* (**NST Act**) provides for when a sporting body may apply to the NST for arbitration of a dispute between two or more persons.
9. Clause 24 of the Motorcycling Australia Non-National Integrity Framework Complaints, Disputes and Disciplinary Policy (**Non-NIF CDDP**) permits the Complaints Manager of



Motorcycling Australia to refer the dispute at any stage to the NST, for determination in accordance with the NST's processes.

10. Clause 7.2(d) of the Motorcycling Australia Complaint, Disputes and Discipline Policy (**NIF CDDP**) provides that Motorcycling Australia may refer the complaint directly to a hearing tribunal to consider the allegations and make findings, instead of first proceeding to an investigation.
11. Having regard to section 24(1) of the NST Act, clause 24 of the Non-NIF CDDP, clause 7.2(d) of the NIF CDDP and Motorcycling Australia's referral, the NST has jurisdiction to arbitrate the dispute between Mr Bentley and TMCC.
12. TMCC has raised with the NST, on more than one occasion, the question of whether the NST did have jurisdiction in relation to the dispute. These concerns have been addressed by the NST on a number of occasions, including at a Preliminary Conference and at a Pre-Hearing Conference.
13. At the Pre-Hearing Conference held on 1 August 2025, after ascertaining from the parties that their respective positions on jurisdiction were set out in the materials which they had filed, I informed the parties that I had concluded that the NST did have jurisdiction to arbitrate this dispute. I reached that conclusion, having regard to section 24(1) of the NST Act, clause 24 of the Non-NIF CDDP, clause 7.2(d) of the NIF CDDP, and Motorcycling Australia's referral.
14. On a number of occasions, TMCC has expressed two main concerns. The *first* is whether the NST could make the orders sought by Mr Bentley. The *second* is whether the complaint is procedurally proper and complete, in particular having regard to Mr Bentley having selected "harassment", "discrimination" and "disciplinary" as the matters to which his application related.
15. With respect to the first concern, I formed the view that the NST would be able to fashion appropriate orders to resolve the dispute by this arbitration. The form of orders sought by Mr Bentley is not determinative of the existence of jurisdiction by the NST, nor of its power to fashion appropriate orders to resolve this dispute.
16. With respect to the second concern, I formed the view that Mr Bentley's selection of "harassment", "discrimination" and "disciplinary" was not determinative of whether the complaint was well-formed, for the following reasons.
17. In substance, Mr Bentley's complaint related to the disciplinary process that was followed by TMCC in relation to the Cooby Dam Event, and the sanction (termination of life membership) and penalty (5-year ban) that were imposed on him at the end of that process.
18. I accept that "discrimination", as defined in the Motorcycling Australia Member Protection Policy (**NIF MPP**), is not an appropriate way in which to seek to characterise what, in the view of Mr Bentley, is alleged to have occurred.
19. However, the terms "bullying" and "harassment" are defined inclusively. Whilst they have negative connotations in day-to-day usage, in the NIF MPP they denote sufficiently broad rubrics of conduct which a complainant to the NST may select, for the purpose of indicating what they consider to be the type(s) of conduct that have given rise to the dispute. I note, in

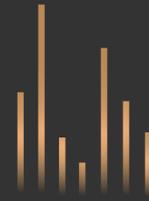


that regard, that although the term “bullying” is defined broadly and inclusively in the NIF MPP, disciplinary action that is legitimate and reasonable can never constitute bullying.

FACTUAL BACKGROUND

Introduction

20. It will be apparent from the fact that Mr Bentley was a life member of TMCC, before that status was terminated, and that in the past he had been President and also Treasurer of TMCC, that there has been a connection between the parties for a long period of time.
21. Some aspects of the long history between the parties have been included in their respective submissions because, I infer, those past events have at least coloured the parties’ perception of the events that are at the centre of this dispute.
22. Mr Bentley, in particular, has submitted that past events suggest that the motivation for TMCC’s sanction against him may not have been the one put forward by TMCC, that is, purely his conduct in relation to the Cooby Dam Event. Among other matters, Mr Bentley has referred to actions which, he alleges, TMCC took in 2024 against him in his capacity as Chair of Motorcycling Queensland, and against the Board of Motorcycling Queensland. Mr Bentley’s position appears to be that those actions by TMCC against the Board of that other body and his position as Chair are connected with the actions that TMCC took against him as a life member of TMCC.
23. Without entering into details, TMCC’s response is to “*categorically reject the implication that any such decisions were driven by bias, personal animosity or discrimination*”.
24. For its part, TMCC has submitted that the NST ought not approach the dispute with partiality, in particular that it should not afford a preferential treatment to Mr Bentley including by accepting the complaint to be a proper one pursuant to the mechanisms by which a dispute can be brought before the NST. The concern of TMCC is, it appears, that an institutional “favourable status” may be afforded, or perceived to be afforded, to Mr Bentley because he is the current Chair of Motorcycling Queensland.
25. While I have considered all the facts, allegations, legal arguments and evidence submitted by the parties, I refer in this Determination only to the submissions and evidence to which it is necessary to make express reference to explain my reasoning.
26. I am unable to make findings in relation to the broader allegations made by Mr Bentley, including of actions taken by TMCC against the Board of Motorcycling Queensland and his position as Chair. I am unable to make findings in relation to whether a broader animosity between Mr Bentley and the Executive Committee of TMCC (or some of the members of the Executive Committee), in some way motivated the termination of Mr Bentley’s life membership. Importantly, it has not been necessary for me to reach a conclusion about these matters, in order to make a decision in this arbitration.
27. I am satisfied that nothing in the manner in which the NST has approached resolution of this dispute, after it had been referred to it by Motorcycling Australia, discloses any basis for the



existence of an “institutional bias” (being a concern of TMCC), that is, a favourable disposition towards Mr Bentley due to his executive position at Motorcycling Queensland.

28. Insofar as the submissions by TMCC might go to actual or apprehended bias on my part, as the Member of NST who has been allocated this arbitration, I have no connection with any participant in motorcycling sport anywhere in Australia (at least, to my knowledge), no connection with any club in Queensland or elsewhere in Australia who is involved in the sport, and no connection with either Motorcycling Queensland or Motorcycling Australia, nor do I have any interest in how either of those two organisations might be run.

Chronology

29. In 2023, Mr Bentley was part of a team at TMCC, consisting of himself and two other Life Members (**DW** and **MJ**), tasked with organising TMCC’s annual Vintage Trail Ride “at Lucks property” (**VTR**). I refer to the annual Vintage Trail Ride event, historically held by TMCC, as the VTR, to distinguish it from the actual Vintage Trail Ride event held in 2024, under the banner of the Brisbane Motorcycle Club (**BMCC**), which is the event at the centre of this dispute between the parties and which I refer to as the Cooby Dam Event.
30. In 2023, Mr Bentley contacted the then-President of TMCC (**JW**), discussed the VTR with him, and received verbal approval to proceed with it. Accordingly, together with the two other Life Members, he set about preparing for the 2024 VTR by undertaking things such as track scoping, preliminary marking and so on.
31. On 24 February 2024, at the annual general meeting of TMCC, a new Executive Committee was elected. I infer that JW, who had been the President of TMCC in 2023, was no longer a member of the Executive Committee.
32. On 26 February 2024, Mr Bentley sent an email to an “info” email address, because the new members of the Executive Committee would not have had access to emails yet. In that email, into which he copied JW, DW and MJ, Mr Bentley said:

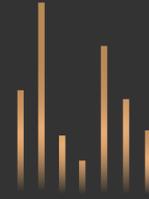
Greetings,

As discussed with [JW] in January, [DW], [MJ] and I are holding a VTR at Lucks property in March. It will be under the TMCC banner but does not require too much in resources from the Club. We will use my Tractor and slasher, [MJ] and [DW] have a supply of arrows and stakes. Should we need any more we will let you know. We would like some Club signage and the use of a SXS from 14-18 of March for final setup and takedown. Let us know if there are any issues.

Thanks in advance,

The request related to what would become the Cooby Dam Event, scheduled for 16 and 17 March 2024.

33. Evidence provided by TMCC, however only in the form of a detailed chronology, is to the following effect:



- a. Whilst noting what was said in the email sent by Mr Bentley on 26 February 2024, regarding previous discussion with JW, those discussions had not been documented or otherwise minuted in TMCC's documents, including of the Executive Committee.
- b. As of 26 February 2024, the affiliation of TMCC with Motorcycling Queensland had not been completed, however this had been done by the end of 27 February 2024.
- c. On 27 February 2024, once affiliation had been completed, Mr Bentley's email of the previous day was forwarded to all members of the new Executive Committee.
- d. On 28 February 2024, the new President of TMCC (**NB**) had a telephone conversation with JW, during which JW confirmed that discussions were had with Mr Bentley about the VTR, but there had been nothing further from Mr Bentley nor a request to TMCC. (I infer that JW was referring to an absence of a formal, written request).

Nothing in the evidence suggests that Mr Bentley would have known, at that time, that these matters were taking place. Nor does TMCC suggest, in its evidence or submissions, that Mr Bentley was aware, at that time, that the Executive Committee required something further of Mr Bentley.

34. Evidence provided by the parties (or just one of them, if so noted) is to the following effect:

- a. At some point on 1 March 2024, Mr Bentley sought to access a system called "Ridernet", but he was unable to do so.
- b. Following this attempt, also 1 March 2024, Mr Bentley sent an email at 3:37 pm to the "info" email address and JW, copying a person with the initials "KS" as well as JW, MJ and DW. In that email, Mr Bentley stated:

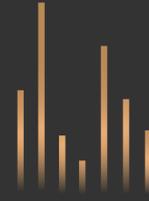
Greetings,

I have gone into Ridernet to set up the VTR event. My Admin status has been removed / overlooked in this years affiliation.

Can I have it reinstated please?

Regards,

- c. According to TMCC (being facts stated in a detailed chronology, but not in other documents), at some point prior to sending this email but also on 1 March 2024, Mr Bentley had called Motorcycling Queensland to demand that he be given access to TMCC's account for the Ridernet system, however he was told that there had to be an approval from TMCC. TMCC refers to a telephone call between a manager at Motorcycling Queensland (first initial "S") and NW. TMCC says, on the basis of what it says had been conveyed to it in that telephone conversation, that Mr Bentley had made that demand relying on his position as the Chair of Motorcycling Queensland. Given the hearsay, I rely upon it purely for the purposes of the chronology. It is unnecessary for me to make any finding as to whether Mr Bentley did seek to use his position as Chair of Motorcycling Queensland. (It seems clear, from the parties' respective positions as



presented to the NST, that the distrust between them is not limited to inter-club matters, but extends to their dealings with, or positions within, Motorcycling Queensland).

- d. According to TMCC (being facts stated in a detailed chronology, but not in other documents), also on 1 March 2024, MJ, who was one of the other Life Members involved in the organising of the VTR, had tried to access the Ridernet system, this being something which MJ had authority to do on behalf of TMCC. However, MJ had been unable to access the Ridernet system because of a failure of that system. On TMCC's own evidence, I find that MJ tried to access the Ridernet system to register the VTR under the banner of TMCC.
- e. According to TMCC (being facts stated in a detailed chronology, but not in other documents), also on 1 March 2024 but subsequent to the failed attempt by MJ, Mr Bentley sought to access the Ridernet system for the "VTR at Lucks property" event, however he did so under accreditations he had with another motorcycling club of which he was also a member, namely BMCC.
- f. On 1 March 2024 at 8:31 pm, TM, on behalf of the Executive Committee, sent an email to Mr Bentley, copying into it someone with the initials "KS", and also MJ and DW, in which it is stated:

Thanks for your email guys,

The current committee was not aware nor could I find any previous minutes referencing the Vinduro weekend you have mentioned.

We have contacted [JW] and confirmed talks had been made however no committee discussions or approval had taken place.

As it is in the best interest of TMCC and the committee supports club events, I will discuss with the other exec members to get the approval ratified for the minutes to formalise the clubs procedure, along with access to Ridernet for this event.

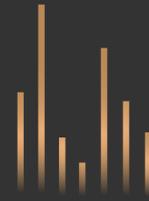
In the short term [MJ], if you would like to send through the details, I can either copy the event from last year or enter new details as required so you can promote the event.

Really great to see members organising some great events but to avoid this situation happening again, if you can please ensure you email the executive team via [the "info" email] and not direct to personal emails or verbally so all executive members can see and ensure your request can be actioned.

Let me know if we can help with anything.

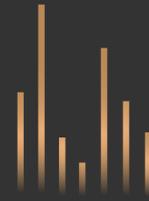
Regards,

35. Evidence provided by TMCC, however only in the form of a detailed chronology, is to the effect that, prior to sending the email at 8:31 pm on 1 March 2024, possibly around 4:30 pm, there were calls between NW and other members of the Executive Committee regarding approval for MJ and Mr Bentley to access the Ridernet system. Further, there were attempts by TMCC to contact Motorcycling Queensland for the purpose of that approval of access to Ridernet, however those attempts were unsuccessful due to it being a Friday afternoon, past 4 pm.



TMCC says that “*flying minutes*” about these matters were approved. Nothing in the evidence suggests that Mr Bentley would have known, at that time, that these matters were taking place. Nor does TMCC suggest, in its evidence or submissions, that it sought to make Mr Bentley aware of what it was doing.

36. It thus appears that, in the evening of Friday, 1 March 2024, TMCC had communicated its position to Mr Bentley, MJ and DW in the terms of the email set out above. It also appears that TMCC would have been prepared to grant access to the Ridernet system to Mr Bentley for him to register the VTR as a TMCC event. It further appears that, whilst not entirely accepting of the process, TMCC would have been content to have adopted, after the facts, the efforts of Mr Bentley, MJ and DW of organising the VTR, if MJ had been successful in the attempt to register it on the Ridernet system under the banner of TMCC. As noted above, that attempt by MJ had only failed because of a fault with the system itself.
37. There is no evidence of when the email sent by TMCC at 8:31 pm on Friday, 1 March 2024, may have been read by Mr Bentley. Nor, for that matter, is there evidence of when it may have been read by MJ or DW, the other two life members. I do not consider it necessary to make findings in this regard.
38. I find that everyone at TMCC, including its past President, sought to do what was best for TMCC. To the extent that there was a lapse by JW (and I don't find that there was) to properly document the discussions that had occurred with Mr Bentley, this may have been because JW thought there would be a follow up by Mr Bentley. To the extent that there was a lapse by Mr Bentley, he may have thought that he had sufficiently conveyed the proposal.
39. I find that Mr Bentley, as well as MJ and DW, were doing what they considered best for TMCC and its members, and also others interested in motorcycling sport, to make sure that the VTR would go ahead. Further, that they had intended to have that event registered on the Ridernet system under the banner of, or being sponsored by, TMCC.
40. The chronology reveals, however, that on Saturday, 2 March 2024, the VTR, due to be held on 16 and 17 March 2024, was yet to be registered on the Ridernet system. There is nothing in the evidence to indicate why that registration was critical, or critical that it be done by a certain time ahead of the event. However, it is clear that the parties have at all times regarded that registration to be critical, and that at least Mr Bentley (although seemingly also DW and MJ), regarded it as critical that it be done quickly.
41. Evidence provided by the parties (or just one of them, if so noted) is to the following effect:
 - a. According to TMCC, on 2 March 2024, at 11:42 am, Mr Bentley submitted the relevant information on the Ridernet system for approval of the VTR under the banner of, or being sponsored by, BMCC.
 - b. According to Mr Bentley, he did so because of the delays in responses from TMCC and because they (meaning the three Life Members) were running out of time.
 - c. According to Mr Bentley, an email was sent on 4 March 2024, on behalf of BMCC, to the Chair of the Queensland Enduro Sub Committee (**QESC**), requesting that BMCC be able to borrow certain equipment for the VTR. Mr Bentley further notes that the Secretary of



TMCC was also the Secretary of QESC and, on that basis, submits that I should find that the Secretary of TMCC (and, by extension, the Executive Committee) should have known, from 4 March 2024, that the VTR would be run under the banner of BMCC. I do not, however, make such a finding.

- d. According to TMCC, an email was sent on 5 March 2024 to Mr Bentley and MJ “*re flying minute approval ratified in meeting minutes and that nil notice for event had been made by either [Mr Bentley] or [MJ]*”.
- e. On 6 March 2024, at 7:50 pm, TM, on behalf of the Executive Committee, sent an email to Mr Bentley, copying into it someone with the initials “KS”, MJ and DW, in which it is stated:

Hey guys just letting you know that the committee has ratified the request to run the vinduro through TMCC. Please advise details to upload on ridernet.

Regards,

- 42. I find that the VTR did go ahead on 16 and 17 March 2024, under the banner of BMCC. (Under the sponsorship of a club other than TMCC, I have referred to it as the Cooby Dam Event.)
- 43. Nothing in the evidence discloses any further communications between the parties, in the period between 6 March and 10 May 2024.
- 44. On 10 May 2024, at 11:13 am, TMCC emailed Mr Bentley, MJ and DW, stating:

Dear TMCC Life members,

The committee wanted to touch base and congratulate you on what was reported as a successful Vintage trail ride at Cooby Dam.

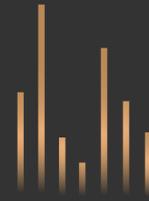
The Committee and club members appreciate TMCC Life members such as you organising and running events for fellow riders and raising funds for TMCC. Well done.

We noticed that you didn't run the event through the TMCC Ridernet system after the committee communicated to you it had been endorsed which would explain the lack of event funds to the club through the system.

If you could please provide the committee with a breakdown of the event numbers, expenditure, expected club proceeds and the process in which you intend to deposit these funds into the club account so we can document the great efforts your team as done raising money for TMCC.

We look forward to your response and again on behalf of the TMCC committee and members, well done on a successful event for TMCC.

Regards,



45. On 10 May 2024, at 11:21 am, DW responded by email as follows, copying into that email Mr Bentley and MJ:

Dear committee members,

The event ended up being run under the Brisbane Motorcycle Club due to the problems facing the TMCC with affiliation. We could not wait any longer so had to use the other clubs ridernet. In future we will use the TMCC to run such events now that the club has affiliated and we have Ridernet access.

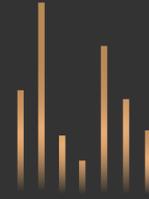
So, all entries went to BMCC and each of us used several hundred dollars of our own money to cover arrows, bunting, stakes, mowing and toilets etc. We hired a buggy from the farmer for two cartons of tall bears. Although this cost us personally, we do it for the sport.

Hopefully, this explains the situation.

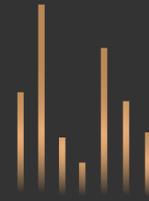
46. Evidence provided by TMCC, however only in the form of a detailed chronology, is to the effect that, on 10 May 2024, after receiving the email from DW, there was a telephone call between NB and DW. In the course of this call, TMCC says that DW informed NB that DW had, back in March, been told by Mr Bentley that TMCC did not have affiliation, and for this reason the registration on the Ridernet system had to be done through BMCC. In response, according to this chronology, NB explained to DW that TMCC was affiliated “*and that this was false information, [and DW] was concerned with these facts*”. Nothing in the evidence suggests that Mr Bentley was made aware of this conversation between NB and DW, nor that DW had expressed concern “*with these facts*”.
47. On 10 May 2024, at 4:33 pm, RW responded to the email by DW. I do not extract the email. It is, in various parts, intemperate. Both Mr Bentley and MJ were copied into that email, as well as the “info” email for TMCC. RW makes it sufficiently clear that the email is being sent in RW’s personal capacity, noting that RW is “*only ... 1 of the 5 votes in any motions*”. RW makes it clear that, as Vice President of TMCC, RW would be “*solidly investigating the timeline of events in this matter, particularly the statement ‘The event ended up being run under the Brisbane Motorcycle Club due to the problems facing the TMCC with affiliation. We could not wait any longer so had to use the other clubs ridernet’*”.
48. On 10 May 2024, at 4:49 pm, DW responded to the email by RW. Both Mr Bentley and MJ were copied into that email, as well as the “info” email for TMCC. The email states:

I am happy to have my life membership revoked if you feel appropriate. I have done much work for the club over the years, and I do not regret that. Thank you for your time and I will move on to other things ...

49. During May and June 2024, according to a chronology provided by TMCC, there was the foreshadowed investigation. The outcome of that investigation is recorded by TMCC, in its chronology document, to have been as follows:
- a. “*Correct process had not been used or followed by [Mr Bentley] in requesting event (Should have known better as he was a former President & Treasurer of TMCC)*”.



- b. *“As communicated by [DW], [Mr Bentley] had misled other Life members to organise the event under the Bris MCC claiming TMCC affiliation issues (Affiliation confirmed 27 Feb 24 by MQ)”*.
 - c. *“[Mr Bentley] had attempted to use his position in MQ as President/Chairperson to gain access to TMCC Ridernet without approval or communicating with the New executive committee until after he was denied access on 1 March”*.
 - d. *“[Mr Bentley] had acted to start event with Brisbane MCC directly after his email to TMCC on 1 March showing intend minutes after emailing the TMCC Exec to get access”*.
 - e. *“No response was made by [Mr Bentley] re event after committee had emailed again”*.
50. On 19 July 2024, the Executive Committee sent a show cause letter to Mr Bentley. Relevantly, that letter stated:
1. *You organised an Event at Cooby Dam on behalf of another motorcycle club, when TMCC offered to support the same event.*
 2. *You misled other Life Members in order to promote another motorcycle Club for the same event.*
 3. *You no longer appear actively involved in TMCC, in fact, your allegiance is now to other clubs (as proven by the recent event), and revenue created from the event going to another club.*
 4. *Ignorance to the elementary principles of the “Club” by organising and facilitating an event in TMCC’s own backyard ...*
 5. *Given the Executive Committee has in the past terminated a general members membership for failing to comply with the TMCC Constitution and misleading the club by not using their correct name during signup, of which you were an Executive, placing yourself in the position serving on the Management Committee, could you please state what your decision would be regarding the matter of a “club” life member actively promoting and managing competing events in TMCC’s own backyard, after being offered full support and backing by Club?*
- ...
- Given your decline in supporting and acting in the best interest of the club over the past years with some questionable actions, the committee is taking the above concerns and actions seriously and wish to give you every opportunity to present your comments before a resolution is made.*
51. On 5 August 2024, Mr Bentley responded, relevantly stating:
1. *I deny I have in any way been a “non-conforming and/or anti-club individual”. As you are aware I am a director and chair of Motorcycling Queensland (MQ). As such director I have a fiduciary duty to act in the best interests of the sport in Queensland and all MQ members. I cannot act in favour of any one particular club including a club of which I am a life member. I have however, over the last 12 years donated time, resources and capital improvements (>\$20000) to the Club over and above any Members expectations.*



2. *I deny "I organized" an event. The event was offered to TMCC by part of the "Vintage Group" of 3 Life Members who co-jointly ran it. The slow response and delayed Affiliation with MQ forced the Group to offer the event elsewhere.*
3. *I deny misleading other life members. This statement is a little broad therefore I demand particulars of the allegedly misleading statements and to whom I allegedly made them and when.*
4. *My apologies I cannot actively be involved in the activities of TMCC, although I have been actively running Kick Start and License upgrades for Members children to enter JEDS and Enduro Competitions. As above, my duties are to the sport and all Qld clubs. I am a "Life member" of TMCC. I do NOT owe any duties to it other than to continue to comply with its rules which I have always done. I am not a fiduciary to it as you are and do not owe fiduciary duties to it as you do, as Executives. I also remind you that there are others in this and previous Executive who also organise and run events for other Clubs!*
5. *I ask for full particulars of how any of the matters you refer to in your letter breach the TMCC constitution. Failure to provide these to me and give me a further opportunity to respond is breach of my rights under the Constitution, denies me procedural fairness and also breaches section 71(3) of the Associations Incorporation Act 1981*

52. On 2 September 2024, there was a meeting of the Executive Committee. The minutes for that meeting record the following:

After a lengthy review and further discussion on the responses provided by Russell Bentley, documents and information supplied, taking into consideration the long-standing membership by the member and previous action over the past few years, the Exec committee resolved a decision in accordance with the TMCC Constitution

Motion: To revoke the Life membership of Russell Bentley and a ban from any Exec management committee position, subcommittee or management/leader/mentoring position within TMCC until 2029

Moved: [redacted]

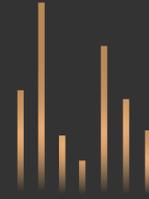
Seconded: [redacted]

Carried: Yes 5-0

53. After the Executive Committee's decision had been communicated to him, Mr Bentley decided to engage lawyers to act for him.
54. On 30 October 2024, Hall Payne Lawyers wrote to the Executive Committee, responding to the decision to terminate Mr Bentley's life membership as well as raising issues with the process that had led to that decision. Relevantly, that letter stated:

25. Your assertion that our client "misled other Life Members in order to promote another motorcycle Cub for the same event" is not particularised and, consequently, is not in a form that allows our client to respond to the allegation.

26. We have addressed below the circumstances in which a Court will intervene in a disciplinary process of a voluntary organisation and this, relevantly, includes a failure to comply with the rules



of natural justice. For the avoidance of doubt, the failure to particularise an allegation prior to determining that allegation is a failure to comply with the rules of natural justice.

27. In any event, our client denies misleading other life members of TMCC. Particularly in circumstances where other life members of TMCC were involved in organising the Event.

55. On 15 November 2024, the Executive Committee responded to the letter of Hall Payne Lawyers of 30 October 2024. It noted, correctly, the existence of a process of review of the decision by the Executive Committee, in accordance with the Constitution of TMCC. It noted and Mr Bentley was not pursuing that avenue, but instead he was proposing to commence legal proceedings.
56. On 22 November 2024, Hall Payne Lawyers responded to the letter of the Executive Committee of 15 November 2024. Relevantly, that letter stated:

Our client is aware of his right to appeal, however, any appeal made by our client may be limited to whether the penalty is consistent with the Constitution or whether the penalty was justified.

Rather, our client's concerns are that:

- the decision made by the Executive Committee is a decision that is not able to be made on the available facts;*
- the exercise of power was not done in a bona fide way;*
- there is invincible bias of the decision makers; and*
- the Executive Committee denied him procedural fairness.*

57. On 23 December 2024, the Executive Committee responded to the letter of Hall Payne Lawyers of 22 November 2024. Relevantly, that letter stated that:

To alleviate those concerns [set out at the paragraph immediately preceding], and halt any potential court proceeding, it has been resolved to conduct a General Meeting, immediately prior to the Annual General meeting to be held in February 2025.

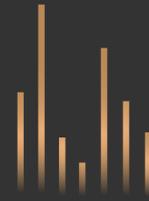
The evidence and reasoning that formed the Executive Committee decision will be published prior to the meeting for all TMCC Club members to review. Further to the responses already received by your client on this matter, your client will have an opportunity to speak freely at the meeting to appeal the decision.

The General meeting will include a vote to ratify or revoke the decision previously made by the TMCC Executive committee.

...

In accordance with the TMCC Constitution, the concerns regarding the TMCC Committee exercise of power, invincible bias, and procedural fairness shall be alleviated with a vote conducted under the TMCC Constitution, decided by ordinary resolution of the members present at the meeting.

58. On 4 February 2025, Hall Payne Lawyers responded to the letter of the Executive Committee of 23 December 2024. Relevantly, by that letter Mr Bentley stated that there was no capacity to

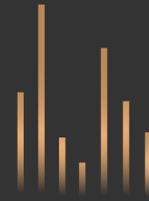


hold the general meeting to ratify the decision of the Executive Committee, absent notice having been given of a special general meeting. Further, that there was no power to attempt to overcome the deficiencies with the decision by the Executive Committee in this manner, because ratification was only available when a member has invoked the appeal procedure in clause 10 of the Constitution of TMCC, and Mr Bradley had not done so. The letter noted that Mr Bradley would now pursue the dispute resolution processes made available by the NST, instead of commencing legal proceedings

59. On 22 February 2025, a general meeting of members voted, unanimously, to ratify the decision of the Executive Committee to terminate the Life Membership of Mr Bentley.

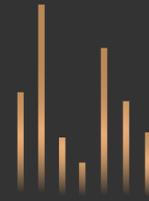
PROCEEDINGS BEFORE THE NST

60. As noted above, on 11 March 2025, Motorcycling Australia referred Mr Bentley's complaint against TMCC to the NST.
61. On 20 May 2025, the NST held a Preliminary Conference which all parties attended. At that time, some of the concerns of TMCC in relation to jurisdiction (which I have addressed elsewhere), as well as in relation to aspect of the process, were raised by TMCC and responded to by the NST Registry.
62. On 3 June 2025, Mr Bentley filed and served his submissions and evidence.
63. On 4 June 2025, TMCC wrote to the NST Registry, seeking further clarifications and re-iterating some of the concerns raised by TMCC at the Preliminary Conference.
64. On 5 June 2025, the NST Registry responded to TMCC, addressing the matters of the NST's jurisdiction, the form of the complaint and validation of the dispute, and indicating that it was open to the parties to continue to attempt to negotiate a resolution. It was further indicated to TMCC that any remaining concerns about matters such as jurisdiction of the NST could be addressed at a Pre-Hearing Conference, which TMCC could request.
65. On 1 July 2025, TMCC filed its submissions and evidence. In its submissions, TMCC re-iterates its concerns regarding the jurisdiction of the NST and other matters.
66. Motorcycling Australia has not filed any materials and has not taken an active part in this arbitration.
67. Neither party filed any submissions in reply, or any other materials.
68. There was then a delay in seeking to obtain a time for a hearing of this arbitration, which would have suited the parties. Accordingly, and having regards as well to the continued existence of concerns on the part of TMCC with respect to matters such as the NST's jurisdiction, the parties were advised that there would be a Pre-Hearing Conference.
69. On 1 August 2025, the parties attended a Pre-Hearing Conference before me. After hearing from the parties, I informed them at the Pre-Hearing Conference that I was satisfied the NST had jurisdiction to arbitrate this dispute. No objection was made by the parties to either myself being the Member who would arbitrate this dispute, or that I would determine it on the papers.



MAIN SUBMISSIONS OF THE PARTIES

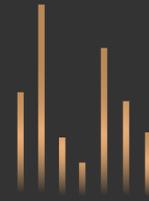
70. Mr Bentley makes two main submissions.
71. *First*, the reason given by TMCC for the sanction against him is not the real reason. Mr Bentley points to the following matters in support of the possibility of another reasons:
- a. Historical events.
 - b. The fact that two other Life Members who were also involved in the organising of the Cooby Dam Event, had not been included in TMCC's investigation nor made the subject of sanction.
 - c. There have been other occasions when members of TMCC, who are or were members of other motorcycling clubs, had organised or assisted with the running of events for those other clubs without attracting sanction from the Executive Committee of TMCC.
 - d. Perceived conflicts of interest, on the part of some members on the Executive Committee.
72. *Second*, there was lack of fairness in TMCC holding the general meeting, at which the members ratified the decision of the Executive Committee, on the day that TMCC was hosting another Vintage Trail Ride at Stanthorpe, because it meant that at least 6 other Life Members were prevented from attending that general meeting.
73. TMCC makes 5 main submissions.
74. *First*, it states that it has complied with all internal and external governance obligations, in making the decision which was made by the Executive Committee, and in ratifying it.
75. *Second*, it restates that the Executive Committee acted because of Mr Bentley's "*unilateral establishment of an event under the name of another club – after TMCC had confirmed its intention to host the event, as it had done historically*".
76. *Third*, it relies on the alleged misleading by Mr Bentley of DW (however it makes no mention of the third Life Member, MJ). It then compares the actions of DW, caused by the misleading, with the actions of Mr Bentley, which it describes as "*distinct in that they appeared to intentionally bypass the TMCC process, and in so doing, misrepresented the situation to others – including fellow Life Members*".
77. *Fourth*, it stands by the scheduling of the general meeting at which it was intended to put to all members the question of whether the decision of the Executive Committee should be ratified, to coincide with the AGM, and notes that the AGM of TMCC is traditionally held on the last weekend in February.
78. *Fifth*, it relies on the following matters:
- a. The organising by Mr Bentley of the Cooby Dam Event "*under the banner of another motorcycle club, despite TMCC's prior offer to support and run the event – an act contrary to the interests and historical practices of the Club*".



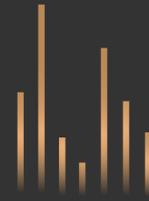
- b. Mr Bentley having misled “*other TMCC Life Members to secure support for this competing event, thereby undermining the authority and unity of the Club*”.
- c. By his actions, Mr Bentley had demonstrated “*a withdrawal of his expected and dutiful involvement in TMCC, and a redirection of loyalty and benefit toward other clubs*”.
- d. Mr Bentley’s conduct was “*inconsistent with expectations placed on Executive and Life Members to model the highest standard of loyalty and accountability*”.
- e. Mr Bentley’s “*refusal to acknowledge the impropriety of his action, offer an apology, or provide any commitment to avoid similar conduct in the future*”, leading to the loss of trust in his standing as a Life Member.

MERITS

- 79. The matter of Mr Bentley’s conduct, as a member of the TMCC, had to be considered by TMCC in accordance with the Constitution of TMCC.
- 80. It is axiomatic that a club, such as TMCC, must afford natural justice to a member, such as Mr Bentley, in any consideration of possible disciplinary action against that member. Clause 9.2.1 of the Constitution of TMCC expressly so provides.
- 81. It is also axiomatic that a club, such as TMCC, must act within the powers conferred by the constitution binding its members, in terms of any sanction or penalty it can impose.
- 82. A club’s constitution may also provide for a process, internal to that club, by which a member who is dissatisfied with a disciplinary decision may seek to have it set aside / reconsidered. Clause 10 of the Constitution of TMCC provides for such a process. In particular, clause 10.1.3 provides that at the general meeting, which must be called to determine the appeal, the appellant “*must be given a full and fair opportunity to show why the ... the membership should not be terminated or suspended*”.
- 83. I consider that, whilst it was open to Mr Bentley to engage solicitors in the process and articulate to the Executive Committee the flaws in the process which had been adopted, in particular with regards to the rules of natural justice, a preferable course of action would have been to first engage with the process provided by clause 10 of the Constitution of TMCC.
- 84. I accept, however, that in terms clause 10 does not provide for a mechanism by which someone in Mr Bentley’s position could challenge a disciplinary penalty, such as the 5-year ban which was imposed on him. The only mechanism to challenge a penalty that has been imposed by the Executive Committee under clause 30.5 of the Constitution of TMCC, is pursuant to clause 30.6. However, clause 30.6 only provides for a review by the same Executive Committee, whose decision, after that review, will be final.
- 85. I am satisfied that reliance by TMCC, in deciding that it would terminate Mr Bentley’s membership and impose the further penalty of a 5-year ban, on a series of allegations which included that Mr Bentley had misled other Life Members, constitutes a breach of natural justice of sufficient gravity to have materially affected the decision.



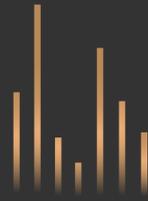
86. As Mr Bentley noted in his response dated 5 August 2024, and as stated by Hall Payne Lawyers in their letter of 30 October 2024, the allegation was put too broadly. I find that if the Executive Committee intended to rely upon an allegation of this nature, it had to be particularised. Mr Bentley had to be given sufficient notice of the case alleged against him and, in all the circumstances, he should have been given particulars of the alleged misleading statements, and to whom it was alleged he had made those statements.
87. Further, I find that no attempt was made by TMCC to obtain a version of events from the third Life Member, MJ. Had that version of events been obtained from the third Life Member, it could have provided support for Mr Bentley's case that he had done nothing wrong.
88. Insofar as TMCC relied upon what it says, in its chronology of events, it was told by DW when contacted by NB on 10 May 2024, I am not satisfied, particularly in light of the later email by DW of the same day, that it provided a sufficient basis for TMCC to put to Mr Bentley the allegation in the terms in which it was put. I also note that the evidence on this issue is no more than a hearsay statement set out in a chronology prepared by TMCC. It is insufficient evidence, having regard to what is otherwise a serious allegation, namely that Mr Bentley had intentionally misled the other two Life Members, or at least he had misled DW.
89. Given that the decision of the Executive Committee was affected by a breach of natural justice, and given further that there is nothing in the evidence which suggests that the general meeting of members occurred in circumstances where Mr Bentley had, by then, been offered an opportunity to know the precise terms of the allegation and respond to it, I conclude that the decision of TMCC, by all of its members, to ratify the decision of the Executive Committee, must also be set aside. There was no power to ratify the initial flawed decision.
90. I note, with respect to the process by which the general meeting of members ratified the decision of the Executive Committee, that Mr Bentley was not present at that meeting. I also note, as I have done above, that Mr Bentley did not engage with the process provided by clause 10 of the Constitution of TMCC.
91. These procedural aspects of / shortcomings with the ratification process by the general meeting, do not affect my finding of the significant flaw in the decision-making process by the Executive Committee, namely breach of natural justice. In other words, even if Mr Bentley was wrong not to engage with the process provided by clause 10 of the Constitution of TMCC, that error on his part would not provide a sufficient basis not to give effect to the usual rule – a later body cannot rectify an earlier breach of natural justice, unless that body itself fully discharges that obligation. In circumstances where there had been a number of invitations to the Executive Committee, by or on behalf of Mr Bentley, to particularise the allegation that Mr Bentley had misled Life Members, but nothing had been said in response, Mr Bentley could not have exercised his right under clause 10.1.3, of a "*full and fair opportunity to show why ... the membership should not be terminated*".
92. I have also concluded that the penalty which was imposed on Mr Bentley pursuant to clause 30.5 of the Constitution of TMCC, in addition to the decision to terminate his Life Membership, was not proportionate. I have had regards to the matters listed in clause 30.5.1 of the Constitution of TMCC, and the totality of the evidence as might be said to go to matters of aggravation of Mr Bentley's conduct.



93. Nothing in the evidence, viewed in its totality, shows the existence of facts upon which a reasonable decision-maker in the position of the Executive Committee could have been satisfied that the imposition of a 5-year ban was justified. Although it is not necessary for me to reach a concluded view, I have doubts that a proper basis is disclosed in the evidence for the imposition of any disciplinary penalty pursuant to clause 30.5 of the Constitution of TMCC.
94. It is possible that, after proper investigation and a proper process of giving notice of the case against any member, there may be a basis for the Executive Committee to take some action in respect of the Cooby Dam Event. It is also possible, on the evidence presented, that what occurred was no more than a number of failures of proper communication on all sides, coupled with the perceived urgency of progressing the organisation of the Cooby Dam Event. I note, in this regard, that but for the problem which MJ encountered in trying to use the Ridernet system to register the Cooby Dam Event, it would in fact have proceeded as a TMCC event. That problem with the Ridernet system was entirely outside the control of any of the parties.
95. On the evidence presented, I do not accept that Mr Bentley (or any of the other two Life Members, for that matter) intended to cause any harm to TMCC. I also do not accept, in all the circumstances, that a perceived failure by Mr Bentley to apologise, or to give assurances that the conduct will not occur again, were relevant matters to be taken into account against him.
96. The evidence which has been presented, by both parties, suggests a breakdown in the relationship between the Executive Committee and at least some Life Members. It is not unusual, when newer members of a club take up its governance, that other members of that club who have been there for a long time, and who may have previously held executive positions, may not agree with the new direction in which the club is being taken. The NST can only suggest that discussions be held to foster inclusivity of all members in the running of the club, and, at the same time, that there be an acceptance by all members of the club of the authority of the Executive Committee.
97. As I have noted, it would remain open to TMCC to again investigate the events surrounding the organising of the Cooby Dam Event, including precisely why it came to be run under the banner of a club other than TMCC. However, the NST would urge the parties to seek to resolve any remaining differences by other means.

THE TRIBUNAL THEREFORE DETERMINES:

1. The decision of the Executive Committee of TMCC made on 2 September 2024, and ratified by the TMCC in the general meeting of 22 February 2025, to:
 - (a) terminate Mr Bentley's Life Membership; and
 - (b) impose the disciplinary penalty of a 5-year ban on being able to hold any Executive Committee, subcommittee or other position of authority at TMCC,is set aside.
2. The application by Mr Bentley to the Tribunal is otherwise dismissed.



Date: **16 September 2025**



Signature

Lisa De Ferrari SC