

Case number: NST-E25-342811

Case Title: Trevor Bassett v Croquet Australia

## Determination

### National Sports Tribunal General Division

sitting in the following composition:

Mrs Rebecca Ogge

in the arbitration between

**Mr Trevor Bassett**

*(Applicant)*

Self-Represented

And

**Croquet Australia**

*(Respondent)*

Represented by Ms Pat Habner, Chair of Croquet Australia and Mr Chris Bannerman, General Manager of Croquet Australia

And

**Mr Greg Fletcher**

*(Interested party)*

Self-Represented

**Mr Robert Fletcher**

*(Interested party)*

Self-Represented

**Mr Malcolm Fletcher**

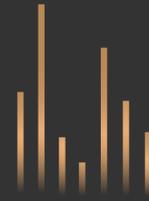
*(Interested party)*

Self-Represented

**Mr Edward Wilson**

*(Interested party)*

Self-Represented



## INTRODUCTION

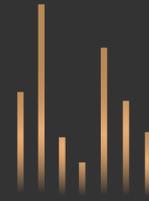
1. This matter arises from an Application dated 8 December 2025 made by the Applicant, Mr Trevor Bassett to the National Sports Tribunal (“**NST**”) disputing a selection/eligibility decision by the Respondent, Croquet Australia.
2. The Applicant is a member of the Croquet Australian MacRobertson Squad.
3. The Respondent is the national sporting organisation for the sport of croquet and gateball.
4. Interested parties, Mr Greg Fletcher, Mr Robert Fletcher, Mr Malcolm Fletcher and Mr Edward Wilson are members of the Croquet Australian MacRobertson Squad.
5. The selection decision relates to the 2026 Croquet Australian MacRobertson Team.

## NST JURISDICTION

6. The jurisdiction of the NST is engaged by Section 23(1)(b)(ii) of the *National Sports Tribunal Act 2019* (“the **Act**”)
7. The parties entered into an Arbitration Agreement dated 18 December 2025.
8. The NST CEO appointed Mrs Rebecca Ogge as the Member (“the **Tribunal**”) for the purposes of the Hearing. No party objected to the composition of the Tribunal.

## PROCEEDINGS BEFORE THE NST

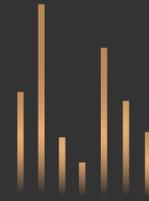
9. The parties participated in a Preliminary Conference with the NST Registry by video conference on 10 December 2025.
10. Procedural directions were agreed and set as follows:
  - a. By 5:00pm (AEDT), Friday, 12 December 2025, the Applicant to file with the NST Registry and serve on the Respondent their written submissions and any witness statement(s), evidence, and all other documents they wish to rely on.
  - b. By 5:00pm (AEDT), Monday, 15 December 2025, the Respondent (and Interested Parties, if any) to file with the NST Registry and serve on the Applicant their written submissions and any witness statement(s), evidence, and all other documents they wish to rely on.
  - c. By 5:00pm (AEDT), Wednesday, 17 December 2025, the Applicant to file with the NST Registry and serve on the Respondent their written submissions and any witness statement(s), evidence, and all other documents they wish to rely on in reply.
11. A Hearing was listed by video conference at 12.00pm (AEDT) on Monday, 22 December 2025 before the Tribunal. No objection was raised by the parties as to the appointment of the Tribunal.



12. The parties filed their respective materials as directed and the NST Registry compiled and circulated a Court book to the parties and Tribunal which included all the relevant documents.
13. The Hearing proceeded as listed with the Applicant appearing on his own behalf, Ms Pat Habner, Chair of the Croquet Australia Board appearing on behalf of the Respondent with Croquet Australia General Manager, Mr Chris Bannerman in attendance and Mr Greg Fletcher, an interested party also being in attendance.
14. The purpose of the Hearing was for the parties to have the opportunity to amend/correct any of the written submissions or materials filed, make further oral submissions and ask any questions of the other party.
15. Mr Fletcher, while not having filed any materials, was afforded the opportunity to make any submissions or ask questions in respect to the issue of the validity of the Selection Policies. He did not do so.
16. The Tribunal asked a number of questions of the parties of which were answered.
17. The parties raised no issues as to the conduct of the proceedings.
18. An oral decision with brief reasons was provided to the parties at the conclusion of the Hearing.

## BACKGROUND

19. In January 2025, the Respondent's Board ("the **Board**") reviewed Version 8 of the Croquet Australia Selection Policy ("**Version 8**") which included clause 3.2 setting out mandatory requirements for players seeking to represent Australia at an international event. No changes were made to the substance of Clause 3.2 but the mandatory requirements were reallocated elsewhere in the document.
20. In May 2025, the Australian MacRobertson Squad was selected ("the **Squad**") with the final team to be chosen in late October 2025 after the WCF AC World Championships.
21. In June 2025, Player Agreements were distributed to the Squad Members. One term of the Player Agreement was for the player to comply with the Croquet Australia Selection Policy.
22. On 22 October 2025, the Board approved an amendment to Clause 3.2(c) of Version 8.
23. On 24 October 2025, the Board issued Version 9 of the Selection Policy ("**Version 9**") with the approved amendments to clause 3.2(c). This policy was published on the Respondent's website and featured in the website's "news" section.
24. On 27 October 2025, the Board issued version 9.1 of the Selection Policy ("**Version 9.1**"), with further amendments to clause 3.2(c).
25. On 27 October 2025, the 2026 Australian MacRobertson Team ("the **Team**") was selected.
26. On 29 October 2025, the Respondent advised all nine squad members of the final selections, six of their successful selection, one of their selection as reserve and two of their non-selection to the Team. The Applicant was not selected as one of the successful six athletes.



27. The Applicant disputes the validity of Versions 9 and 9.1. He seeks a declaration that the Version 9 is not valid and that the Team be reselected based the selection requirements in Version 8.
28. The Respondent contends that Version 9.1 dated 27 October 2025 is valid and applicable and ought to be upheld.

### APPLICABLE RULES

29. The Applicable Rules are Version 8, Version 9/9.1 and the Respondent's Constitution (undated but was included in the Court Book.

### Version 8

30. Version 8, Section 3 Mandatory Requirements, provides:

*For a player to be eligible for selection to represent Australia in international events, and to participate in the national team, training and development squads, the player shall meet the requirements in this section.*

3.1 Residential Requirements

*Residential requirements for players to be selected for an international event are determined by World Croquet Federation Sports Regulations*

*Selectors may invite players who do not meet the residential requirements to participate in national training and development squads.*

3.2 Other Mandatory Requirements

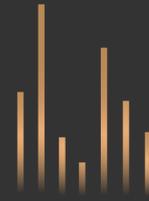
*Players selected to represent Australia in an international event shall:*

- a) *Be a current financial member of Croquet Australia and be affiliated with an association that is a member of Croquet Australia*
- b) *Not currently be under suspension by Croquet Australia for a breach of policy (including, but [sic] limited to, the Selection Policy, Player Agreement, Member Protection Policy, Anti-Doping Policy), or any other Croquet Australia disciplinary provision.*
- c) *Have represented their State in the code of representation for selection (AC, GC, or other) or participated in at least one Australian National event in that code in the previous 12 months*

31. Version 8 outlines Events for Selection including the National Team for the MacRobertson Shield and it provides that the Selection Committee may add players to a Team "at any stage, subject to those players satisfying the relevant selection criteria" <sup>1</sup>.
32. Version 8 Section 5.2 provides in bold:

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<sup>1</sup> Section 4, Version 9.



***Mandatory player residential and other requirements for selection outlined in Section 3 cannot be waived by the Selectors. Players not meeting any of these criteria cannot be selected to represent Australia.***

## Version 9

33. Version 9.1, Section 3.2 (c) provides:

.....

- c) *Have represented their State an event in the code of representation for selection or have participated in at least one Australian National Event in any code or have represented Australia in any code in the twelve (12) months prior to selection.*

34. Version 9 was endorsed by the Board on 24 October 2025 and Version 9.1 was endorsed on 27 October 2025.

35. Version 8 (and Version 9 and Version 9.1) may be amended by the Board in accordance with the Croquet Australia Constitution <sup>2</sup>.

36. The Constitution provides:

### 21. Policies

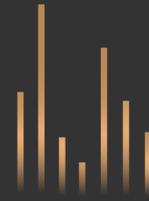
#### 21.1 Making and amending Policies

- (a) *In addition to policies made under clause 7.2, the Directors may from time to time make policies:*
  - (i) *that are required to be made under this Constitution; and*
  - (ii) *that, in their opinion, are necessary or desirable for the control, administration and management of the Company's affairs and may amend, repeal and replace those policies.*
- (b) *The Policies referred to in clauses 7.2 and 21.1(a) will take effect 7 days after the service of the Policy on the Member and shall be in force and effect on that date.*

37. Service of the Policy on the Member is provided for in the Constitution<sup>3</sup>.

<sup>2</sup> Section 8, Versions 8, 9 and 9.1.

<sup>3</sup> Clause 24 of the Constitution.



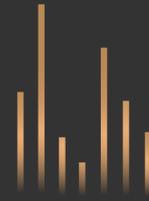
## MAIN SUBMISSIONS OF THE PARTIES

### The Applicant

38. By his application, the Applicant sought for Version 9 to be declared invalid and the selectors reselect the team based on Version 8, which he submitted was in force during the selection period.
39. The Applicant submitted the following (inter alia) in support of his application:
- a. The Selection Policy was amended on 27 October 2025 (Version 9.1), the same day as the Team was finalised.
  - b. The amendments were made after the qualifying period and immediately prior to the final Team selection.
  - c. The amendments enabled four squad members to qualify for selection. These squad members were not eligible for selection to the Team in accordance with Version 8.
  - d. The timing and manner of the amendment raises serious concerns regarding the fairness, transparency and adherence to the Respondent's governance framework.
  - e. The mandatory event requirement in Section 3.2 has been in place for at least 10-15 years and players were well aware of the selection requirements.
  - f. Amendments to policies take effect 7 days after service of notice to the Members and so as at the day of the Team selection, the valid policy was Version 8.

### The Respondent

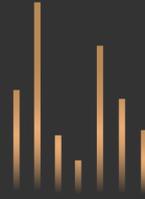
40. The Respondent sought for Version 9.1 to be retained.
41. The Respondent submitted the following (inter alia) in support of its position:
- a. The Board considered Section 21.1(a)(ii) of the Constitution, that is, amendments could be made to the policy if the Board deemed it necessary or desirable for the management of the company affairs.
  - b. Version 8, Section 3.2(c) required players to have participated in at least one Australian event in the code for selection in the previous 12 months.
  - c. It was agreed by the Board that Version 8 was not fair to those players who played both codes at the highest level.
  - d. The Board noted that the three Croquet Australia events were not timed well with world events which were not contemplated when the policy was last reviewed.
  - e. The Board sought for the criteria to be inclusive as possible and noted that the amendments enabled all players in the squad to be eligible for consideration for the Team. The change allowed the selectors the ability to select the team on its merits.
  - f. On 22 October 2025, the Board approved the amendment to Section 3.2(c).



- g. On 23 October 2025, the Board advised the selectors of the amendment.
- h. On 24 October 2025, Version 9 was uploaded onto the Respondent's website.
- i. On 27 October 2025, Version 9.1 was endorsed and the Team was selected as the date for announcing the Team had been previously published as 27 October 2025.

## DISCUSSION

- 42. While the Tribunal has considered all the rules, facts, allegations, legal arguments and evidence submitted by the parties it refers in its Determination only to the submissions and evidence it considers necessary to explain its reasoning.
- 43. The question for the Tribunal is as to the validity of Version 9/9.1, particularly the amendment to Clause 3.2(c) as at the date of when the Team was selected (27 October 2025).
- 44. The amendments to the Policy meant that players who were ineligible for selection under Version 8 were then eligible for selection. In this instance, the amendment meant that the Applicant was not selected in the Team and four other players were selected who were not eligible had the selectors followed the selection requirements in Version 8.
- 45. At the Hearing, the Tribunal sought to clarify the timeline of events with the Parties, but particularly with the Respondent.
- 46. The Respondent confirmed that the Board approved to amend Version 8 (3.2(c)) at the meeting on the 22 October 2025, Version 9 was uploaded onto the website on 24 October 2025, wording to Version 9 (3.2(c)) was amended again on 27 October 2025 and the Team was selected on 27 October 2025.
- 47. It is clear from the Constitution and it is accepted by the Tribunal that the Respondent was and is open to amending the Selection Policy, that is, if the Board, in its opinion, deems the amendment necessary or desirable for the control, administration and management of the company affairs.
- 48. The Constitution then requires any amendments to be communicated to the Members by personal service, post or email.
- 49. During the Hearing, the Respondent submitted that the Member states were emailed about the policy change in early December 2025 and agreed with the Tribunal that a policy change takes effect 7 days after service of the notice of the change. It was also accepted by the Respondent that the Constitution or any other governance document did not allow for an abridgement of time for service and "*version 8 would have been in place still*".
- 50. The Tribunal is satisfied that Version 8 was the selection policy in effect as at the date of the Team selection on 27 October 2025.
- 51. The Respondent sought for Version 9.1 "to be retained" and made submissions about its rationale to amend the policy and uphold the policy going forward. On the evidence before it, the Tribunal was not in a position to consider the matter. The matter is for the Respondent.



**THE TRIBUNAL THEREFORE DETERMINES:**

1. That as of 27 October 2025, Version 8 was the selection policy in effect.
2. Versions 9/9.1 were not valid when the Team was selected on 27 October 2025.

It is noted that:

The Tribunal recommended for the Respondent to seek governance advice after Ms Habner asked the Tribunal about how it can move forward. It was submitted by the Respondent during the hearing that the Board and committee members are volunteers and some members have a number of positions including being a Board member and a selection committee member.

Date: 22 December 2025



Rebecca Ogge