

Case number: NST-E26-550

Case Title: Jacquyline Noske v Boxing Australia

## Determination

### National Sports Tribunal General Division

sitting in the following composition:

Member Rebecca Ogge

in the arbitration between

**Jacquyline Noske**

*Applicant*

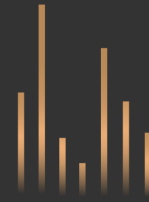
Self-represented

And

**Boxing Australia**

*Respondent*

Represented by Caroline Brown, Legal Representative and Kelly Loakes, National Integrity Manager



## INTRODUCTION

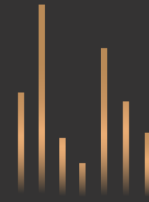
1. Ms Jacquyline Noske (the **Applicant**) has appealed a disciplinary decision by Boxing Australia (the **Respondent**).
2. The Applicant is a coach in the sport of boxing and a member of the Respondent.
3. The Respondent is the national governing body for boxing in Australia.
4. Following an investigation into complaints about the conduct of the Applicant at the Australian Schools Boxing Championships in October 2025 (the **Youth Championships**), the Respondent issued to the Applicant an “Outcome of a complaint under the Boxing Australia National Integrity Framework Policy” dated 14 November 2025 (the **Breach Notice**).
5. The Respondent found that the Applicant had breached the Boxing Code of Conduct by acting offensively and entering in the field of play at the Youth Championships (the **Finding**).
6. The Breach Notice specified that the Applicant was banned from attending any Boxing Australia sanctioned activities, events and camps for six months until 31 May 2026 (the **Sanction**).
7. On 12 December 2025, pursuant to clause 8.6(b) of Boxing Australia’s Complaints, Disputes, and Disciplinary Policy (**CDDP**) and by agreement of the Parties, the Applicant filed an Application in the National Sports Tribunal (**NST**) disputing the Sanction.
8. The Applicant seeks for the Tribunal to review the Respondent’s decision and determine that the Sanction was disproportionate to the Finding and be either set aside or reduced. She also raises concerns as to the fairness and the integrity of the Respondent’s disciplinary process.
9. The Respondent seeks for the Tribunal to determine that the Sanction imposed was proportionate to the Finding and be upheld.

## NST JURISDICTION

10. The jurisdiction of the NST is engaged by section 23(1)(b)(i) of the *National Sports Tribunal Act 2019* (Cth) (**NST Act**) and clause 8.6(b) of the **CDDP**.
11. By way of an Arbitration Agreement dated 3 February 2026, the Applicant and the Respondent acknowledged and agreed that the NST’s jurisdiction is engaged until resolution of the dispute.

## PROCEEDINGS BEFORE THE NST

12. The CEO of the NST appointed a sole arbitrator and the parties agreed to the composition of the Tribunal.
13. The parties agreed to the directions for the filing of all materials each wished to rely upon as follows:
  - a. by 4:00pm (AEDT) on Thursday, 5 February 2026 the Applicant is to file with the NST Registry and serve on the other Parties their written submissions and any witness statement(s), evidence, and all other documents they wish to rely on;

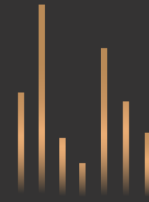


- b. by 4:00pm (AEDT) on Thursday, 19 February 2026, Boxing Australia is to file with the NST Registry and serve on the other Parties their written submissions and any witness statement(s), evidence, and all other documents they wish to rely on; and
  - c. by 4:00pm (AEDT) on Thursday, 26 February 2026 the Applicant is to file with the NST Registry and serve on the other Parties their written submissions and any witness statement(s), evidence, and all other documents they wish to rely on in reply.
14. The Hearing was scheduled to take place during the week commencing Monday 2 March 2026 unless the parties agreed for the matter to be determined “on the papers”, if the Tribunal considered that it was appropriate to do so.
  15. The Tribunal reviewed the materials filed by both parties and decided it was sufficiently informed to proceed on the papers. The parties agreed for the matter to proceed in this course.

## BACKGROUND

16. In October 2025, the Applicant attended the Youth Championships in Darwin.
17. On 3 October 2025, the Applicant attended bout 124 (the final bout of the tournament) between Khaled Bassal and Jerry Ileremia, officiated by referee James Hoggett.
18. The Applicant attended the bout as a spectator and parent of athlete, Khaled Bassal.
19. Complaints were made in respect of the Applicant’s behaviour at the event and the matter was investigated by the Respondent’s National Integrity Manager.
20. On 16 October 2025, the Respondent emailed a “Notice to Show Cause” to the Applicant which outlined the complaints of “inappropriate language, being loud and offensive and entering into the field of play” at the Youth Championships in Darwin in October 2025 (**Allegation 1**) and social media posting in relation to the official’s decision following the event (**Allegation 2**).
21. The Notice to Show Cause outlined the applicable rules: clauses of the Boxing Australia Limited Code of Conduct, General Code of Conduct, Coach and Parents and Guardians, the Member Protection Policy and the Social Media Policy. It outlined the proposed disciplinary action of a ban of 12 months and gave the Applicant an opportunity to respond within 7 days. The Notice to Show Cause also listed a number of wellbeing support groups for the Applicant.
22. On 4 November 2025, the Applicant responded to the Notice to Show Cause as follows:

*“...I am writing to extend my sincere and unreserved apology for my actions during and following Bout 124 at the 2025 Australian Schools Championships in Darwin. Upon reflection and after reviewing the footage, I recognise that my behaviour in that moment fell below the standard of anyone representing our sport. I acknowledge that I stepped momentarily into the field of play and expressed visible frustration toward an officiating decision. While my intention was never to threaten, confront or disrespect anyone, I fully understand how my actions may have appeared and the impact they have had on the officials and those around me. I accept responsibility for the lapse in judgment....”*



23. On 14 November 2025, the Respondent sent a letter to the Applicant with the “Outcome of complaint”. The Respondent made the following findings:
  - a. Allegation 1 was substantiated in part - it was found that the conduct was a brief, non-aggressive entry onto the field of play, without swearing, threats, intimidation, or disruption. The claims that the Applicant swore or used offensive language were not substantiated.
  - b. Allegation 2 – breach of social media policy was not substantiated.
24. The Applicant was banned from attending any Boxing Australia sanctioned activity, event and camp for six (6) months until 31 May 2026.
25. On 12 December 2025, the Applicant made this application to the NST disputing the proportionality of the penalty. The six (6) month ban was suspended by the Respondent pending the outcome of this Application.

#### APPLICABLE RULES

26. The Boxing Australia Limited (**BAL**) Code of Conduct provides:

*“General Code of Conduct*

*This General Code of Conduct outlines the standard of behaviour that is expected of all competitors, instructors, coaches, officials, judges, referees, administrators, parents/guardians (of child participants) and spectators to comply with when participating or attending any BAL sanctioned events or when instructing, coaching, training, or competing at a state or club level...*

*3. Always maintain a high standard of personal behaviour and accept responsibility for your actions and behaviour.*

*4. Conduct yourself in a responsible manner relating to language, temper, and punctuality.*

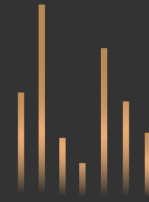
*5. Do not engage in any behaviour (including posting material using social media that relates to boxing or the organisations or people involved in boxing) that is offensive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist, homophobic, inaccurate, misleading, fraudulent, or otherwise inappropriate.*

*...*

*8. Demonstrate appropriate social behaviour by refraining from using foul language and/or harassing officials, coaches, competitors, or referees.*

*...*

*12. Be a positive role model.*



13. *If you disagree with the opinion or decision of any boxing body, referee, coach or official, raise the issue through the appropriate channels rather than question their judgement and honesty in public.*

14. *Refrain from any behaviour that may bring BAL, Member Associations or Affiliates into disrepute.”*

27. The BAL Member Protection Policy provides:

*“Clause 4.1: Prohibited Conduct includes Abuse, Bullying, Harassment, Discrimination, Victimisation, and Vilification, whether in-person or online. Appendix A: explicitly lists aggressive yelling, swearing, humiliation, and offensive behaviour as harassment and abuse.”*

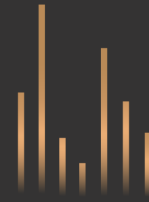
## MAIN SUBMISSIONS OF THE PARTIES

28. While the Tribunal has considered all the 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.

### Applicant’s Submissions

The Applicant submitted as follows:

29. The Sanction banning the Applicant for 6 months from all Boxing Australia activities, camps and events is “punitive and manifestly excessive” in light of:
- the narrow scope of the substantiated conduct;
  - the absence of aggression, swearing, intimidation or safety risk;
  - the Applicant’s unblemished disciplinary history;
  - the Applicant’s admissions, immediate apology, insight and remediation; and
  - the severe collateral professional and personal harm already suffered.
30. The Applicant relies on previous matters involving more serious conduct including swearing, threats, prolonged disruption and intimidation of youth athletes, where no sanction was imposed and accreditation and selection continued. For example, on 26 October 2019 at the Australian Youth & Junior National Championships, a BAL official/referee engaged in loud, aggressive conduct, including swearing and threats toward youth athletes, without sanction.
31. The Applicant was not afforded procedural fairness. Despite repeated requests, the Applicant was not provided with documents including the investigation report, witness statements, any referee statement, evidence log, sanctioning matrix or evidence relating to social media allegations. This materially impaired the Applicant’s ability to meaningfully respond to adverse characterisations and assertions.

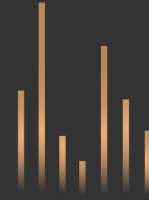


32. The Respondent's "investigation-decision maker process was contaminated" with the same integrity officer receiving the complaints, gathering the evidence, assessing the evidence, authoring findings and filtering information to the CEO.
33. The sanction and prolonged process have already caused substantial harm to the Applicant including:
  - a. inability to attend national and interstate tournaments;
  - b. disruption to athlete development pathways, including AIS camps and trials;
  - c. loss of professional opportunities;
  - d. employment uncertainty; and
  - e. significant emotional and psychological stress as a sole parent of five children.
34. The Applicant does not seek to avoid accountability. She seeks a lawful, proportionate substitution, consistent with Boxing Australia's own framework namely:
  - a. a formal written warning or reprimand;
  - b. continued education and professional development; and
  - c. if considered appropriate, a good-behaviour undertaking; to uphold standards, achieve deterrence and rehabilitation, and avoid unnecessary and disproportionate harm.
35. The Applicant accepts responsibility for a momentary lapse in composure. She submits that the conduct was isolated, emotionally reactive, not deliberate, not malicious, not part of any pattern of behaviour and that she has shown remorse.
36. The Applicant is a professional boxing coach whose income and employment are directly linked to tournament attendance, athlete representation, and national event participation. Her role requires physical presence at national tournaments, state championships, pathway events, selection events and international preparation camps.
37. The appropriate outcome is:
  - a. a formal reprimand or warning;
  - b. mandatory education (if required); and
  - c. a good behaviour undertaking.

### **Respondent's Submissions**

The Respondent submitted as follows:

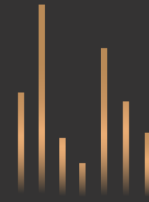
38. The Applicant was afforded procedural fairness at all stages of the disciplinary process which was conducted strictly in accordance with BAL policies. She was provided with a written notice of the allegations and identification of the relevant policies, the opportunity to respond, additional information upon request, and was granted extensions of time to respond to the complaints and appeal the findings and sanction.



39. The investigation was conducted by the integrity officer in accordance with her role outlined in the CDDP. The integrity officer is responsible for receiving complaints, gathering and assessing evidence, preparing findings and reporting to the CEO who is the decision-maker.
40. Pursuant to clause 8.1(a) of the CDDP, the Respondent referred to the Case Categorisation Model which considers the nature of the alleged conduct, the possible level of harm and the complexity of the issues raised. The Respondent submits that the Applicant's conduct constituted a Category 2 – (Amber) medium level case due to the deliberate breach of the Field of Play, the verbal criticism directed at an official (referee) in the course of his duties, the public and youth setting in which the conduct occurred and the Applicant's position as a coach.
41. The Findings were properly made on the balance of probabilities and the Sanction was reasonable and proportionate in circumstances where the offensive conduct was principally directed at an official in the course of carrying out his duties, it occurred in a public setting involving a youth national competition by the Applicant who is an accredited coach and expected to model respectful and appropriate behaviour towards officials at all times.
42. In determining the Sanction, the Respondent considered:
- the Applicant's response to Notice to Show Cause including admissions, apology to Boxing Australia, Boxing South Australia and the Referee and character references;
  - no physical harm or injury were caused by the conduct;
  - while the conduct was inappropriate, there was no evidence that her conduct resulted in injury or lasting harm to any party;
  - the Applicant did not resist and moved back outside the field of play;
  - there is no prior disciplinary history for the Applicant;
  - the incident occurred while the Applicant was watching her son competing and it was accepted that she was in a state of heightened emotion and frustration;
  - the public nature of the conduct - the conduct was a live streamed youth event towards an official;
  - the Applicant is a member coach and a parent of member athletes which carries a higher responsibility to model conduct, exemplify the standards of conduct, integrity and professionalism and to lead by example in interactions with athletes, fellow members and officials.
43. The sanction is limited in scope and duration and allows the Applicant to continue attending club and state level activities and maintaining her employment as a coach.

## MERITS

44. The question asked of this Tribunal is whether the Sanction is disproportionate to the Finding - the Applicant has sought for the Sanction to either be set aside or reduced. She also has made



claims as to the fairness and integrity of the disciplinary process. The Respondent seeks for the application to be dismissed and for the Sanction to be upheld.

45. It is not a Court or Tribunal's role to intervene with sentences of first instance decisions, except where an error is demonstrated or the penalty is "*plainly outside the range of sentences available to the judge in circumstances of the case that appellate intervention is warranted*"<sup>1</sup>.
46. A specific error is a material mistake in the sentencing process such as denial of procedural fairness, a failure to consider relevant mitigating or aggravating factors, taking into account irrelevant factors or misunderstanding of maximum penalties.
47. In *Dinsdale v The Queen* ('*Dinsdale*'), Kirby J said in relation to the role of specific error in a sentence appeal:

*"The necessity to show error in such a case is fully accepted by courts deciding appeals against sentence ... Because the imposition of a sentence involves the exercise of judgment and evaluation upon which minds can differ, it bears close similarities to the making of a discretionary decision. Like such a decision, if properly imposed, a sentence will not be disturbed on appeal merely because the appellate court would have reached a different result had the responsibility of sentencing belonged to it. As in the case of appellate review of a discretionary decision, a brake is imposed upon undue appellate disturbance of primary decisions (and unwarranted appeals seeking that relief) by the necessity to identify an error that justifies and authorises appellate intervention. Such an error may involve the adoption by the primary judge of an incorrect principle, giving weight to some extraneous or irrelevant matter, failing to give weight to some material considerations, or a mistake as to the facts."*<sup>2</sup>

48. In respect to manifestly unreasonable or plainly wrong penalties, the approach to manifest error appeals is well established and it emphasises the wide scope of the sentencing discretion.<sup>3</sup> Kirby J, in *Dinsdale* stated as follows:

*"As on appeal from discretionary decisions, it will sometimes not be possible to identify, with exactness, an error of the foregoing kind; yet the result that is challenged may be so manifestly unreasonable or plainly wrong that the appellate court will be able to infer that, in some unidentified way, there has been a failure to exercise the power properly. In appellate review of sentencing, it will commonly be the case that the appellate court's authority to intervene will derive from a conclusion that the resulting order is so disproportionate to the matter to which it relates as to afford the foundation for concluding that, in some way, the exercise of the powers of the primary judge has miscarried."*<sup>4</sup>

49. In *Barrett v The Queen* [2020] NSWCCA 11, [109]

*"The principles to be applied in determining whether a sentence is manifestly excessive were usefully summarised by this Court in Hughes v R [2018] NSWCCA 2 at [86]:*

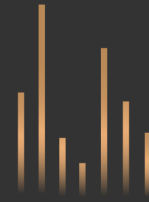
- (1) *appellate intervention is not justified simply because the result arrived at in the court below is markedly different from sentences imposed in other cases;*
- (2) *intervention is only warranted where the difference is such that it may be concluded that there must have been some misapplication of principle, even though where and how is not apparent from the reasons of the sentencing judge, or where the sentence*

<sup>1</sup> *McPherson v The Queen* [2014] VSCA 59, [36] (Maxwell P, Neave JA agreeing at [57], Redlich JA agreeing at [58]).

<sup>2</sup> *Dinsdale v The Queen* (2000) 202 CLR 321, 339-40 [58].

<sup>3</sup> *Clarke v The Queen* [2021] NSWCCA 236 [77]-[79].

<sup>4</sup> *Dinsdale*, 340 [59].



*imposed is so far outside the range of sentences available that there must have been error;*

*(3) it is not to the point that this Court might have exercised the sentencing discretion differently;*

*(4) there is no single correct sentence and judges at first instance are allowed as much flexibility in sentencing as is consonant with consistency of approach and application of principle; and*

*(5) it is for the applicant to establish that the sentence was unreasonable or plainly unjust.”*

50. In *Baxter v The Queen* (2007) 173 A Crim R 284, 294–5 [60], Kirby J concluded:

*“I accept that the applicant does not have to establish the sentence was manifestly excessive. To be a material error, it is enough that such error may, as a matter of inference, have infected the reasoning of the sentencing judge such that, absent error, some other and lesser sentence may have been imposed.”*

51. The basis of the Applicant’s application is that the Sanction imposed was disproportionate. She also made claims in her application that she was denied procedural fairness, that her *“ability to meaningfully respond to adverse characterisations and assertions was (sic) materially impaired”*<sup>5</sup> and that there was “contamination” of the integrity of the process.

52. The Applicant was provided written notice of the complaint, particulars of the allegations, identification of the relevant policies, the opportunity to respond and written notice of the findings and sanction. She sought extensions of time to respond and in her response admitted to adverse conduct and offered apologies.

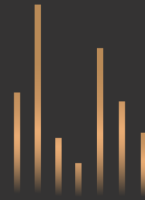
53. On the evidence, the Respondent considered the Applicant’s response including her admissions, apology and character reference and made findings which substantiated part of allegation 1 and dismissed allegation 2. The Tribunal is satisfied that the Applicant was afforded procedural fairness throughout the disciplinary process. There is no evidence that the process was “contaminated” as alleged by the Applicant.

54. Now to the assumption of a manifest error if the sentence is viewed as being excessively too harsh.

55. The current Sanction bans the Applicant from “Boxing Australia sanctioned” events, activities and camps for 6 months. It is noted that the Notice to Show Cause outlined a ban of 12 months in the event that the two allegations were proven. The Respondent submits that the Sanction is limited in scope and duration and allows the Applicant to continue coaching, attending club and state level activities and maintaining her employment as a coach. Her athletes are still able to attend development pathways including Australian Institute of Sport camps and trials and her membership and coaching accreditation continue. The Applicant has claimed that the ban will impact her employment and attendance at events but there is no evidence before this Tribunal as to the extent of the impact to her and to her athletes. Perhaps the Sanction could be further particularised to clarify as to which events the ban relates, noting the Respondent’s submission that the Applicant is still permitted at club and state level boxing.

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<sup>5</sup> Applicant’s written submissions dated 5 February 2026.



56. The Respondent may impose one or more sanctions when it is considered appropriate<sup>6</sup> including a ban on a member found to have breached the rules. The imposition of a penalty is discretionary and the Respondent, on the evidence, imposed the Sanction after considering the mitigating and aggravating factors outlined in its submissions above. The Applicant makes claim that previous incidents within the sport have had lesser penalties imposed. Intervention by this Tribunal is not justified simply because the penalty imposed is markedly different to those imposed in other cases.
57. The Tribunal finds no error in the sentencing process in this matter. The Tribunal is satisfied there is no justification to intervene with the Sanction imposed by the Respondent. It is accepted that the Respondent properly applied the rules to the facts and the Tribunal is not satisfied that the Sanction is unreasonable, plainly unjust or far outside the range of sentences available.

**THE TRIBUNAL THEREFORE DETERMINES:**

1. *The Application be dismissed.*
2. *The Sanction be upheld.*

14 March 2026



Rebecca Ogge

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<sup>6</sup> Clause 8.4(a) of the CDDP.