

Case number: NST-E25-342750

Case Title: Harvey Spencer v Australian Powerlifting Alliance

Determination

National Sports Tribunal General Division

sitting in the following composition:

Member Annabelle Williams OAM

in the arbitration between

Harvey Spencer

Self-represented

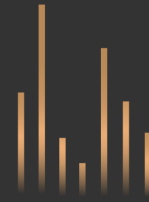
And

Australian Powerlifting Alliance

Represented by Abbi Bosward-Fielding, Managing Director

Applicant

Respondent

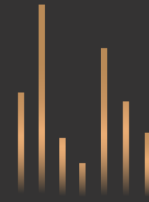


PARTIES

1. The Applicant, Mr Harvey Spencer (the **Applicant**) is an 18-year-old athlete and amateur coach in the sport of powerlifting and a member of the Respondent.
2. The Respondent, Australian Powerlifting Alliance (the **Respondent** or **APA**) is a/the national governing body for powerlifting competitions in Australia.

INTRODUCTION

3. On 23 July 2025, the Board of the APA issued the Applicant a Notification of Formal Complaint Investigation Outcome (**Breach Notice**) which outlined that, following an investigation into a complaint, the Applicant had been found to have breached:
 - a. the APA Coaches' Code of Behaviour and Consent;
 - b. the APA Member Protection Policy;
 - c. clause 13.2(c)(ii) of the APA Constitution; and
 - d. clause 13.2(c)(iii) of the APA Constitution.
4. The Breach Notice informed the Applicant that the following Sanctions were proposed to be applied by the APA:
 - a. the Breach Notice taking effect as a formal first and final warning, with any further breach of any APA policy constituting immediate suspension of membership;
 - b. a provisional suspension from coaching at all APA events (which had been imposed on 7 July 2025 during the course of the investigation) remaining in effect until the Applicant provided to the APA both:
 - i. a valid ABN evidencing business registration; and
 - ii. a current certificate of public liability insurance;
 - c. prior to reinstatement of coaching privileges, completion of the following education courses and provide completion certificates to the APA;
 - i. Play by the Rules – Harassment and Discrimination;
 - ii. Play by the Rules – Inclusive Coaching; and
 - iii. Sport Integrity Australia – Community Coaching Essentials;
 - d. review and submit written acknowledgement of the following documents:
 - i. APA Coaches' Code of Behaviour and Consent;
 - ii. APA Member Protection Policy;
 - iii. eSafety Commissioner resource: *Recognising Online Abuse in Sport*; and
 - e. cease all creation or distribution of scouting or profiling documents that contain sensitive, derogatory or identifying information about athletes (any breach of such directive resulting in immediate suspension of the Applicant's APA membership).



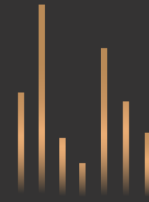
5. On 31 July 2025, the Applicant notified APA that he disputed the Breach Notice and requested that the matter be referred to a Hearing Tribunal.
6. On 29 September 2025, APA referred the matter to the National Sports Tribunal (**NST**)

NST JURISDICTION

7. The jurisdiction of the NST is engaged by section 23 of the *National Sports Tribunal Act 2019* (Cth) (**NST Act**) and cl 8.5 and 8.6 of APA's Complaints, Disputes and Disciplinary Policy (**CDDP**).
8. On 4 October 2025, the parties agreed in writing to the NST's jurisdiction to hear the alleged breaches of APA's Constitution, Coaches' Code of Behaviour and Consent and Member Protection Policy.
9. On 27 and 28 October 2025, the Applicant and APA each signed an Arbitration Agreement and agreed to refer the dispute to the General Division of the NST and further agreed that the NST's jurisdiction is engaged until the resolution of the dispute.
10. The CEO of the NST appointed Ms Annabelle Williams OAM (the **Member**) as the arbitrator to determine this dispute. No party objected to the appointment of the Member.

FACTUAL BACKGROUND

11. Below is a summary of the relevant facts and allegations based on the parties' written submissions and evidence adduced in this procedure. Additional facts and allegations found in the parties' written submissions and evidence may be set out, where relevant, in the legal discussion that follows. While the Member has considered all the facts, allegations, legal arguments and evidence submitted by the parties, she refers in this Determination only to the submissions and evidence she considers necessary to explain her reasoning.
12. The Applicant is an 18-year-old athlete in the sport of powerlifting and a member of the Respondent.
13. It was not disputed that the Applicant is also a coach in the sport of powerlifting and, as such, bound by the APA Coaches' Code of Behaviour and Consent. The athlete submissions suggest that he is an amateur coach (stating that he has ambitions to one day become a professional coach) and state that the coaching services he had provided were without charge and predominantly online, with a sole in-person instance at the 2025 APA Mega Nationals event where he was a platform coach for another athlete.
14. On 23 June 2025, the APA received a complaint from Mr Aiden Potts who is another APA athlete and director of an APA-affiliated gym (the Hunter Performance Centre). The complaint detailed various incidents alleged against the Applicant as well as another APA member, Mr Aran Yoganandha. The complaints against Mr Yoganandha are not the subject of this procedure.
15. Those complaints against the Applicant were subsequently investigated by the APA, who conducted witness interviews with various individuals.
16. Certain of the complaints were upheld by the APA and were identified in the Breach Notice. It is those complaints which are the subject of the procedure and which are summarised below.



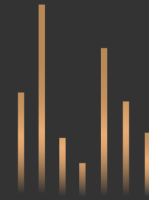
Inappropriate verbal remarks made to athletes at the Mega Nationals event


17. Mr Jarrod Leonard is a powerlifting coach who works at the Hunter Performance Centre. He is a member of the APA.
18. He provided a witness statement dated 24 June 2025, which formed part of Mr Potts' complaint, in which he referred to inappropriate behaviour by the Applicant and Mr Yoganandha, including references to Mr Leonard being '*washed*'. The Member understands that '*washed*' is slang for '*washed up*', connoting an athlete who was unable to perform to the level at which they were once able to perform.
19. In the course of the APA's investigation, Mr Leonard was involved in a witness interview held on 6 July 2025. In his interview, he stated that he was helping warm up an athlete, Mr Sung Ok, in the warm-up room at the Mega Nationals event, and:
 - a. he heard the Applicant yell out words to the effect of "*I will beat the old man*", as a reference to Mr Ok. Mr Ok was 22 years old at the time;
 - b. he heard the Applicant say words to the effect of, "*Anything that they can do, we can do better*"; and
 - c. Mr Yoganandha referred to Mr Leonard as being '*washed*'.
20. Mr Ok was interviewed by an APA representative on 8 July 2025. In his witness interview, he stated that the remarks "*really didn't affect me at all*". He noted that he thought "*it's a part of sports*". He noted that he would himself engage with the Applicant on social media "*just for a bit of fun as quote-unquote shit talk*". He confirmed that the Applicant's comment did not impact his enjoyment of the sport, his sense of safety or inclusion within the community.

Involvement in the creation of an 'Opps' sheet scouting document containing derogatory language and personal data about junior athletes

21. At the Mega Nationals event, the Applicant had a conversation with Mr Walter Chancellor, during which he mentioned to Mr Chancellor that he had an 'opps sheet' for recording details of competitors.
22. Instagram messages between the Applicant and Mr Chancellor show that Mr Chancellor asked if he could see the document. The Applicant sent Mr Chancellor a screenshot of what appeared to be the opps sheet. It is relevant to detail the back-and-forth messages to provide the context. They included:

Mr Chancellor	Applicant
Let me see the spread sheet of me	
Strengths and weaknesses	
	R U sure U wanna see it?
Yes please	
Is the weakness a snack pack	
	No
Show me the sheet	

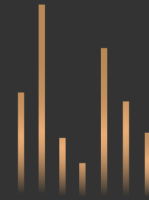


Mr Chancellor	Applicant
Is your weakness talking to women and being non chalant	
	[sends screenshot]
	
What's ROM	
	Ey not my fault they're scary
	(I am professional fumbler)
I love you Harvey you truly are one of a kind	

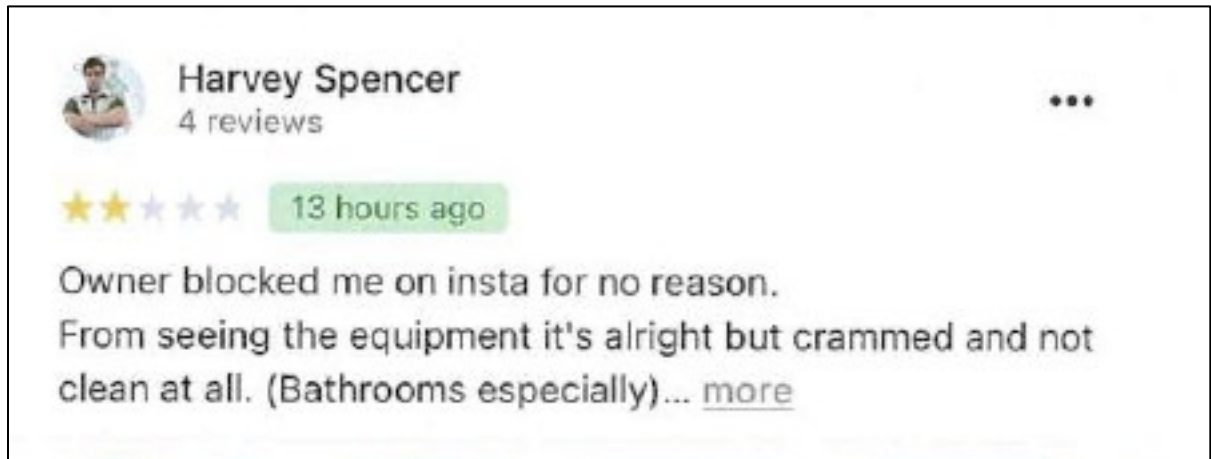
23. The screenshot provided by the Applicant identified Mr Chancellor's 'squat weakness', 'bench weakness' and 'deadlift weakness' as "*Pussio*". Mr Chancellor stated in his interview with APA held on 9 July 2025 that this apparently meant he was weak. The complaint submitted by Mr Potts referred to the definition of the term on urbandictionary.com as meaning "*A dickhead who is scared of everything. A pussy or coward.*"
24. In his interview with the APA, Mr Chancellor was asked how this document made him feel. He stated, "*I don't really care too much*" and "*it didn't really affect me personally, but I can see how it can affect other people if they take it in the wrong way*". He confirmed that it had not made him feel unsafe, excluded or reluctant to compete or train with the APA.
25. Mr Chancellor noted that the document had his age, date of birth, last junior year and other identifying information. Mr Chancellor also noted that, at the Mega Nationals event, the Applicant was "*jokingly talking shit to me*", though he did not give specifics of what was said.
26. The Applicant confirmed that he maintained an opps sheet to compile factual, performance-related observations about other lifters to inform his own preparation and strategy. However, he says that the document of which he sent a screenshot to Mr Chancellor was not his actual opps sheet but instead a joke sheet which he created and sent to Mr Chancellor as a light-hearted joke. He provided copies of what he asserted was his actual opps sheet, which did not contain the "*Pussio*" comments.

Inappropriate use of APA uniform in public online reviews targeting the Hunter Performance Centre

27. Mr Potts' complaint made a range of allegations about inappropriate social media conduct by the Applicant and Mr Yoganandha. These included allegations of:
 - a. false and misleading google reviews about Mr Potts, his business and clients in circumstances where the Applicant's profile picture showed him wearing APA uniform;
 - b. praising competitor gyms on their social media pages; and
 - c. submitting misleading leads via Mr Pott's business's website.
28. Mr Potts' allegations made against Mr Yoganandha are not the subject of this procedure.



29. Of the allegations against the Applicant, the APA upheld a finding that the Applicant had engaged in inappropriate use of APA uniform in public online reviews targeting the Hunter Performance Centre. That is the only allegation under consideration in this procedure.
30. A copy of the relevant review put into evidence is as follows:



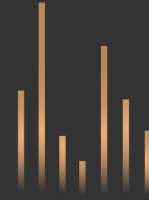
31. A full copy of the review was not included in the evidence.
32. The Applicant acknowledged that he posted the review. His submissions assert that he did not personally observe the 'hazards' referred to in the review and instead the information was provided to him by individuals who were unwilling to speaking openly about the centre. He also acknowledged that his profile picture showed him wearing his APA uniform. He submits that he had not considered that an image of him in his uniform would be a basis for construing that his review would somehow reflect the opinions of the APA.

Carrying on coaching activities without evidence of an ABN or current public liability insurance

33. It is not in dispute that the Applicant did not have an ABN or public liability insurance in respect of his coaching in 2025 (at least up until the Breach Notice). He stated that he not did consider it necessary to register a business as his coaching services were provided without charge. Further, he stated that he believed his activity was covered under the APA's volunteer policy (and therefore no insurance was required).
34. This issue had fallen away by the time the dispute was to be determined by the NST as, on 6 August 2025, the Applicant provided the APA with evidence of public liability insurance and confirmed that he would register an ABN if he started charging for his services. In light of those matters, the APA lifted the Applicant's provisional suspension on 8 August 2025.
35. This alleged breach is not further considered in this Determination.

PROCEEDINGS BEFORE THE NST

36. On 10 October 2025, the parties attended a Preliminary Conference convened by the NST Registry and, as set out in paragraph 9 above, signed an Arbitration Agreement.
37. The Respondent's submissions and evidence were filed and served on 28 October 2025.
38. The Applicant's submissions and evidence were filed and served on 6 November 2025.



39. The Respondent's reply submissions were filed and served on 10 November 2025.
40. The Applicant's reply submissions were filed and served on 11 November 2025.
41. An order was made under section 42(2) of the NST Act to produce additional documents. The order was made and the Applicant provided the additional materials on 14 November 2025.
42. Pursuant to section 52 of the *National Sports Tribunal (Practice and Procedure) Determination 2024*, where the NST Member considers it appropriate to do so and all the Parties to the dispute agree, the NST may determine the dispute without a hearing. On 12 November 2025, both Parties indicated to the NST that it was their preference for the arbitration to be determined on the papers. Accordingly, no hearing was conducted in this procedure and the matter was determined on the papers.

APPLICABLE RULES

CDDP

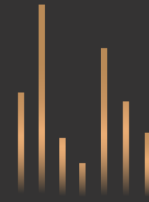
43. The CDDP applies to 'Prohibited Conduct' under APA policies including the APA Member Protection Policy and "*any other rules, regulations or policies of the APA that are stated to be subject to the CDDP*": clause 4.1 and definition of 'Relevant Policy' in clause 3.
44. It is not disputed that the CDDP also applies to the Applicant, as a 'Relevant Person', being a member of the APA: clause 4.2 and definition of 'Relevant Persons' in clause 3.
45. Where a complaint has been lodged with the APA pursuant to the CDDP, the APA is to determine whether the complaint falls within the relevant policies: clause 7.1.
46. Notably, clause 7.1(f) provides:

Where a Complaint raises allegations about behaviour that could be a breach of both a Relevant Policy or another policy of a Relevant Organisation, the matter will be managed under the most appropriate policy ...
47. Unless referred directly to a hearing tribunal, the APA is to conduct an investigation and make findings, to the requisite standard of proof, as to whether an allegation of Prohibited Conduct is substantiated, unsubstantiated or unable to be substantiated: clause 8.1(a). The relevant standard of proof is the balance of probabilities: clause 7.6(a).
48. If allegations of Prohibited Conduct are found to be substantiated, the APA is to issue a Breach Notice to the respondent notifying them of the allegations found to be substantiated, the alleged conduct and the proposed sanction: clause 8.5. The Respondent may dispute the findings/sanctions, in which case the matter is to be referred to a hearing tribunal in accordance with clauses 8.5(b)(ii) and 8.6.

APA Member Protection Policy

49. The APA Member Protection Policy applies to all members of APA (which includes the Applicant): clause 3.1(a).
50. The policy does not apply to APA members at large. Clause 3.2 provides:

3.2 When this Policy applies



- (a) *All Relevant Persons and Relevant Organisations to which this Policy applies must comply with this Policy (at all times whilst they are a Relevant Person or Relevant Organisation), including:*
- i. in relation to any dealings, they have with Relevant Organisations or their Employees, Contractors, and representatives;*
 - ii. when dealing with other Relevant Persons or Relevant Organisations in their capacity as a Relevant Person/Relevant Organisation; and*
 - iii. in relation to their Membership or standing as a Relevant Person or Relevant Organisation in general.*
- (b) *The following is not within the scope of this Policy:*
- i. where an interaction (including social media interactions) occurs involving one or more Relevant Persons or Relevant Organisations, and the only link or connection between the interaction and the Australian Powerlifting Alliance is the fact that one or more individuals are Relevant Persons or Relevant Organisations; and*
 - ii. where Prohibited Conduct occurs in contravention of this Policy, any subsequent conduct, or interaction(s) that, whilst related to the original Prohibited Conduct, no longer directly relates to the Australian Powerlifting Alliance (even where such conduct or interaction(s) would otherwise be Prohibited Conduct).*

51. The note to clause 3.2(b)(i) identifies the following as behaviour outside the scope of the policy:

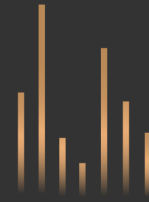
Such as two Members of a Relevant Organisation getting into a verbal or physical argument at a shopping centre, or two Members sending abusive social media messages to each other that have no direct link to the Australian Powerlifting Alliance.

52. Clause 4.1 of the Member Protection Policy identifies 'prohibited conduct' as follows:

4.1 Prohibited Conduct

A Relevant Person or Relevant Organisation commits a breach of this Policy when they, either alone or in conjunction with another or others, either in-person, online or via any other means of communication, engage in any of the following conduct against one or more Relevant Persons or Relevant Organisations, in the circumstances outlined in clause 3.2:

- i. Abuse;*
- ii. Bullying;*
- iii. Harassment;*
- iv. Sexual Misconduct;*



- v. *Discrimination;*
- vi. *Victimisation; or*
- vii. *Vilification.*

Appendix A sets out examples of what may constitute Prohibited Conduct under this Policy.

53. It is alleged that the Applicant engaged in abuse, bullying and harassment.

54. 'Abuse' is defined in clause 2 as follows:

... any type of behaviour (including physical, emotional/psychological, sexual, and inappropriate use of power and/or process) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in-person or online.

55. Appendix 1 of the Member Protection Policy provides the following example of abuse:

... emotional/psychological abuse (either in-person or online) such as repeated and intentional embarrassment in public, unreasonably preventing or excluding someone from participating in sport activities, stalking, humiliation, or intimidation, repeated or severe insults, name calling, criticism, swearing and humiliation, repeated attacks on someone's intelligence, homophobic, biphobic and transphobic comments, body shaming, or aggressive yelling.

56. 'Bullying' is defined in clause 2 as follows:

a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing, whether in-person or online.

57. 'Harassment' is defined in clause 2 as follows:

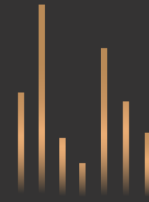
... any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment, whether in-person or online.

APA Coaches Code of Behaviour and Consent

58. The APA Coaches Code of Behaviour and Consent is a form for completion by APA coaches. By signing the form, a coach (or prospective coach) agrees to abide by the code of behaviour set out in the document and acknowledges that breaches of the code may result in disciplinary action against the coach.

59. The APA did not provide any copy of this document signed by the Applicant. However, it was not disputed by the Applicant that the document applied to him. Given the Applicant's admissions that he was a coach, it can be inferred in the circumstances that he completed this form. The Member proceeds on the basis that the Applicant was bound by its terms.

60. The APA Coaches Code of Behaviour and Consent does not expressly refer to the CDDP, though it contains an acknowledgement that the APA is required to implement a complaints handling procedure in the event of an allegation against the coach in accordance with principles of natural justice.



61. The Breach Notice did not identify which specific aspects of the Coaches Code of Behaviour and Consent were found to have been breached. However, the relevant alleged breaches were identified in the APA's submissions to the NST. They included:

Display control and courtesy to all involved with powerlifting

Respect the rights and worth of every person regardless of their gender, ability, cultural background or religion

Adopt appropriate and responsible behaviour in all interactions

Ensure your decisions and actions contribute to a harassment free environment

Place the safety and welfare of the athlete above all else

Help each person (athlete) reach their potential – respect the talent, development stage and goals of each person and compliment and encourage with positive and supportive feedback

Be honest and do not allow your qualifications to be misrepresented

Maintain appropriate insurance and provide a certificate of currency

APA Constitution

62. It is alleged that the Applicant has contravened clauses 13.2(c)(ii) and (iii) of the APA Constitution.
63. Clause 13.2(c) of the APA Constitution provides:

(c) *The Directors in their sole discretion may refer an allegation (which in the opinion of the Directors is not vexatious, trifling or frivolous) by a complainant (including a Director or a Member) that a Member has;*

(i) *Breached, failed, refused or neglected to comply with a provision of this Constitution, the Policies or any other resolution or determination of the Directors or any duly authorised Committee; or*

(ii) *Acted in a manner unbecoming of a Member or prejudicial to the Objects and interests of the Company or Powerlifting, or both; or*

(iii) *Prejudiced the Company or Powerlifting or brought the Company or Powerlifting or themselves into disrepute,*

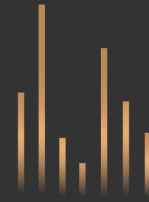
For investigation or determination either under the procedures set down in the Policies or by such other procedure and/or persons as the Directors consider appropriate.

Role of the NST

64. This matter was referred to the NST General Division pursuant to clauses 8.5 and 8.6 of the CDDP. Clause 8.7 of the CDDP provides:

8.7 Hearing Tribunals

(a) *Arrangements must be established to manage internal hearings and appeals.*



- (b) *If arbitration is sought in either the NST General Division or an internal Hearing Tribunal, the Hearing Tribunal will, as applicable:*
- i. *determine whether any Provisional Action imposed in accordance with clause 7.4 is disproportionate; or*
 - ii. *if referred directly to the Hearing Tribunal under clause 7.1, make the findings required by clause 8.1, and determine whether a Sanction should be imposed and if so, the nature of that Sanction; or*
 - iii. *if referred to a Hearing under clause 8.6 following an investigation, arbitrate the substantiated allegations and proposed Sanction set out in the Breach Notice.*

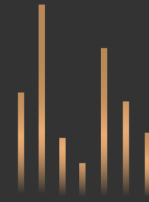
MAIN SUBMISSIONS OF THE PARTIES

APA submissions

65. The APA's submissions identified:
- a. the evidence relevant to each of the alleged breaches; and
 - b. the sections of the relevant policies which were alleged to have been breached.
66. Those matters have been summarised above.
67. The APA did not provide any substantive submissions regarding how the evidence demonstrated the alleged breaches (though the copy of Mr Potts' complaint which was exhibited to the APA's submissions did contain some submission to that effect).
68. The APA's submissions set out its conclusion that the breaches (or at least the Constitutional breaches) were assessed as minor.

Applicant's submissions

69. The Applicant denies certain of the allegations, contending that there is insufficient evidence to substantiate them or that the APA had incomplete evidence.
70. As to the allegations of verbal harassment and disparaging comments, the Applicant:
- a. submits that he and Mr Ok had maintained a friendly relationship for some two years which had involved mutual light-hearted banter. He could not specifically recall their exchanges at the Mega Nationals event but accepted that he could have referred to Mr Ok as an 'old man'. He stated that he believes that such comment would have been received in the same light-hearted manner in which it was delivered. He provided screenshots of Instagram exchanges with Mr Ok which he asserts demonstrated the nature of their banter;
 - b. submits that he and Mr Chancellor have been friends for around one year, engaging in regular exchanges on Instagram. He says that their conversations included banter as well as constructive dialogue (such as feedback regarding Mr Chancellor's progress and development);
 - c. denies making any derogatory comments about Mr Leonard; and

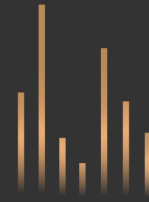


- d. denies directly targeting Mr Potts or any Hunter Performance Centre staff on social media.
71. As to the allegations regarding the opps sheet, as has been addressed above, the Applicant submits that the screenshot he provided to Mr Chancellor was not his actual opps sheet but instead a satirical document created in response to Mr Chancellor's request during a playful conversation. He says it was intended as private humour among friends and was never circulated publicly (at least by the Applicant).
72. As to the alleged false and defamatory reviews of the Hunter Performance Centre, as has been addressed above, the Applicant contends that he submitted the reviews based on information from other individuals. He acknowledges that he did not personally observe the relevant hazards. He accepts that he overlooked the fact that he was wearing his APA uniform in his profile picture and says that he had not considered that an image of him in his uniform would be a basis for construing that his review would somehow reflect the opinions of the APA itself.
73. The Applicant submits that he is an 18-year-old living with autism who is still developing his social skills within the powerlifting community. He denies that he engaged in malicious or targeted behaviour. He seeks that the 'first and final warning' be downgraded to a simple warning and says that, rather than punitive action, he requires structured guidance and appropriate support to assist him in navigating the powerlifting environment in a positive and constructive manner.

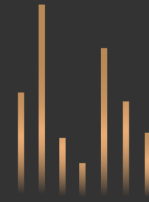
MERITS

Allegation 1: Inappropriate verbal remarks made to athletes at the Mega Nationals event

74. **Mr Ok.** Although the Applicant does not recall referring to Mr Ok as an 'old man' at the Mega Nationals event, he accepts that he could have engaged in such conduct. His submission confirms that he and Mr Ok regularly engaged in light-hearted banter (including Mr Ok calling him 'young one') and calling Mr Ok 'old man' was consistent with that kind of banter. Mr Ok also confirmed in his interview that he and the Applicant would engage in "*shit talk*".
75. Accordingly, the Member accepts the evidence of Mr Leonard (corroborated by Mr Ok) that the Applicant said words to the effect of "*I will beat the old man*" in the warm-up area at the Mega Nationals event, in reference to Mr Ok.
76. With respect to whether this is a breach of any policy, the Member is first cognisant of clause 7.1(f) of the CDDP, which provides:
- Where a Complaint raises allegations about behaviour that could be a breach of both a Relevant Policy or another policy of a Relevant Organisation, the matter will be managed under the most appropriate policy ...*
77. The APA's submissions assert that this behaviour was a breach of both the APA Member Protection Policy as well as the APA Coaches Code of Behaviour and Consent.
78. The Member considers that the most appropriate policy to apply with respect to this allegation is the APA Member Protection Policy. Based on Mr Leonard's evidence, it appears that the relevant comment ("*I will beat the old man*") was made in the context of the Applicant competing against Mr Ok, and therefore in his capacity as a competitor rather than a coach.

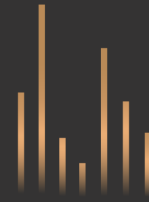


79. The Member is satisfied that the behaviour falls within the scope of clause 3.2(a) of the APA Member Protection Policy, as it was conduct between two APA members at an APA event.
80. It is therefore necessary to consider whether the Applicant's conduct amounted to abuse, bullying or harassment within the meaning of those terms as defined in the APA Member Protection Policy.
81. The relevant circumstances of the Applicant's conduct include:
- a. the Applicant and Mr Ok had a relationship which involved mutual light-hearted banter. This was acknowledged by Mr Ok and also demonstrated in the Instagram exchanges between the Applicant and Mr Ok. One of those exchanged involved Mr Ok referring to the Applicant as 'young one';
 - b. Mr Ok's evidence that being called 'old man' by the Applicant did not have any negative impact on him; and
 - c. at the time of the relevant comment, the Applicant was 18 years old and Mr Ok was 22. In that circumstance, even without the knowledge of the Applicant and Mr Ok's prior relationship, the Member considers it would have been apparent to any reasonable lay-observer that the Applicant's comment was said in jest and not intended to be an insult.
82. While it is possible for such conduct to be characterised as a technical act of 'abuse' or 'harassment' under the very broad definitions in the APA Member Protection Policy, the Member is not satisfied that they reach such a threshold in the above circumstances. Consensual banter between friends which does not have a negative impact on those involved will not normally amount to conduct which rises to the level of abuse, bullying or harassment under the policy.
83. The Member acknowledges that banter can be unacceptable if made in a public setting where it could offend others. While the relevant conduct here was made in a public setting and overhead by Mr Leonard, the Member considers that the nature of the comment made by the Applicant did not carry offence, or only carried *de minimis* offence.
84. The Member concludes that this allegation has not been substantiated.
85. **Mr Chancellor.** There was evidence from Mr Chancellor that the Applicant was "*jokingly talking shit*" to Mr Chancellor at the Mega Nationals event. However, Mr Chancellor did not provide evidence of any particular comments made by the Applicant and the matter was not raised as a specific complaint by Mr Chancellor. The Member considers the evidence before her is too vague to make any findings of inappropriate comments having been made to Mr Chancellor, let alone abuse, bullying or harassment. Accordingly, the Member finds that allegations that the Applicant made derogatory verbal comments about Mr Chancellor have not been substantiated.
86. **Mr Leonard.** The Applicant denies making any derogatory comments about Mr Leonard. Although Mr Leonard's witness statement (provided as part of Mr Potts' complaint) refers to the Applicant calling Mr Leonard 'washed', that statement is equivocal about precisely what was said by the Applicant and what was said by Mr Yoganandha. In his interview with the APA, Mr Leonard stated that this comment was made by Mr Yoganandha. Due to the change in evidence, the Member is not satisfied on the balance of probabilities that the Applicant made derogatory verbal comments about Mr Leonard. This allegation is not substantiated.

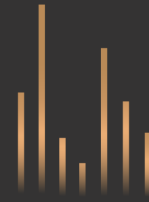


Allegation 2: Involvement in the creation of an ‘Opps’ sheet scouting document containing derogatory language and personal data about junior athletes

87. It is not in dispute that:
- a. the Applicant maintained an opps sheet document containing data about powerlifting athletes;
 - b. via Instagram, Mr Chancellor requested a copy of the opps sheet insofar as it concerned Mr Chancellor;
 - c. the Athlete sent Mr Chancellor a screenshot of what appeared to be his notes regarding Mr Chancellor. Those notes identified Mr Chancellor’s ‘squat weakness’, ‘bench weakness’ and ‘deadlift weakness’ as “*Pussio*”; and
 - d. Mr Chancellor was not negatively affected by receipt of the document, confirming that it had not made him feel unsafe, excluded or reluctant to compete or train with the APA.
88. The Member accepts the Applicant’s submission that the screenshot which the Applicant sent to Mr Chancellor was not his actual opps sheet but instead a document which he prepared specifically for the Instagram message. That submission was corroborated by the copies of the actual opps sheets provided by the Applicant, the authenticity of which were not challenged by the APA.
89. The APA’s submissions assert that the Applicant’s behaviour in respect of this allegation was a breach of both the APA Member Protection Policy as well as the APA Coaches Code of Behaviour and Consent.
90. Noting the effect of clause 7.1(f) of the CDDP, the Member considers that the most appropriate policy to apply with respect to this allegation is the APA Member Protection Policy. First, it is not apparent on the evidence that the Applicant’s conduct was made in his capacity as a coach, as opposed to being conduct between two APA members generally (or even private communications). Secondly, it is not apparent that the APA Coaches Code of Behaviour and Consent is even a ‘Relevant Policy’ under the CDDP, as it does not expressly state that it is subject to the CDDP.
91. The Member also notes that there is some doubt as to whether the Applicant’s conduct is within the scope of clause 3.2(a) of the APA Member Protection Policy. The Instagram messages between the Applicant and Mr Chancellor were indirectly related to APA activities but not evidently sent in their capacities as APA members. The Applicant’s conduct may well fall within clause 3.2(b)(i) of the APA Member Protection Policy and therefore be out-of-scope:
- ... an interaction (including social media interactions) occurs involving one or more Relevant Persons ... , and the only link or connection between the interaction and the Australian Powerlifting Alliance is the fact that one or more individuals are Relevant Persons or Relevant Organisations.*
92. As identified above, the note that clause 3.2(b)(i) expressly states that “*sending abusive social media messages to each other that have no direct link to the [APA]*” is beyond the scope of the APA Member Protection Policy.
93. It is ultimately not necessary for the Member to decide this issue as, for the reasons set out below, she finds that the allegations have not been substantiated.



94. **Derogatory language: use of the term ‘pussio’.** The Member does not accept the Applicant’s submission that the term ‘pussio’ used in the screenshot reflects someone being closer to a pussy cat than a lion. The Member accepts that the term is a synonym or slang for ‘pussy’, meaning someone who is scared or cowardly. That term has long had sexist connotations, equating female characteristics with weakness. Whether or not the Applicant was actually aware of the matter, it is an inherently insulting term.
95. However, the use of such term and whether it amounted to abuse, bullying or harassment must be considered in its context. The relevant context in this instance was a private communication between two young adults, whom the Member accepts had a history of engaging in light-hearted banter. The nature of their relationship is asserted in the Applicant’s submissions and confirmed by:
- a. the Instagram exchanges between the Applicant and Mr Chancellor; and
 - b. Mr Chancellor’s evidence that he was not negatively affected by use of the term ‘pussio’ and confirming that it had not made him feel unsafe, excluded or reluctant to compete or train with the APA.
96. Again, while it is possible for such conduct to be characterised as a technical act of ‘abuse’ or ‘harassment’ under the very broad definitions in the APA Member Protection Policy, the Member considers that the private context in which the screenshot was sent means that the Applicant’s conduct did not reach such a threshold in the circumstances. Insofar as the screenshot was offensive to Mr Chancellor, it was not offensive in a material way in the whole of the circumstances. The fact that Mr Chancellor decided to show the screenshot to others and it could (as a matter of speculation) be offensive to some other person who saw it does not make the Applicant’s conduct abusive or harassing.
97. For the avoidance of doubt, if the relevant policy to be applied were the APA Coaches Code of Behaviour and Consent, the Member would still consider that the policy had not been breached having regard to the whole of the circumstances.
98. The wording of that policy is incredibly broad, including requirements that coaches:
- a. display control and courtesy to all involved with powerlifting;
 - b. adopt appropriate and responsible behaviour in all interactions; and
 - c. help each person (athlete) reach their potential – respect the talent, development stage and goals of each person and compliment and encourage with positive and supportive feedback.
99. However, notwithstanding the above, the Member considers that conduct must have a demonstrated level of materiality in order to amount to a breach of the policy. Otherwise, it would be necessary for the APA (and the NST) to conclude that any form of friendly banter between a coach and any person involved in powerlifting would constitute a breach of the policy. That would be an impractical outcome. It is necessary for all conduct to be considered in its context and having regard to the practical realities.
100. Further, in reaching the above conclusions, the Member notes that there were suggestions in the evidence that the opps sheet contained similar information regarding other powerlifters.

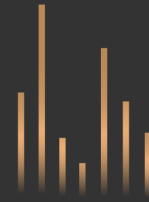


There is no evidence to support those suggestions and the actual opps sheet provided by the Application indicates that was not the case.

101. The Member concludes that this allegation has not been substantiated.
102. **Collation of personal data about junior athletes.** The APA's submissions do not specifically allege that the inclusion of personal data in the screenshot sent to Mr Chancellor was a breach of any policy. However, the proposed sanction included a direction that the Applicant cease creation of profiling documents that contain identifying information about athletes.
103. The screenshot the Applicant sent to Mr Chancellor identified his year of birth (not date of birth), state and last year of juniors. The full opps sheet voluntarily provided by the Applicant to the NST did not contain that level of information.
104. The Applicant submitted that the information he compiled into his opps sheet was publicly-available information which he had collated into his private document and used for self-improvement and strategic preparation.
105. The APA has not provided any submission to demonstrate that compiling such information is a breach of the identified provisions of the APA Member Protection Policy, the Coaches Code of Conduct or the APA Constitution. Nor is any such breach apparent to the Member.

Allegation 3: Inappropriate use of APA uniform in public online reviews targeting the Hunter Performance Centre

106. It is not in dispute that:
 - a. the Applicant posed a Google review in respect of the Hunter Performance Centre business using the Applicant's own name;
 - b. the Google review included "*from seeing the equipment it's alright but cramped and not clean at all. (Bathrooms especially) ...*";
 - c. the Applicant had not in fact seen the Hunter Performance Centre; and
 - d. the Applicant's profile picture of the Google review showed the Applicant wearing his APA uniform.
107. While the Member accepts that reviews can be subjective, the Member finds that the Applicant's Google Review was misleading. It suggested that the Applicant was making assertions based on his own observations when he has admitted that that was incorrect and he had not fact seen the Hunter Performance Centre. Further the Member does not place any material weight on the Applicant's assertions that the information in the review was based on what he had been told by others. The Applicant has not identified those persons or provided sufficient evidence about what he was told, why he decided to take it upon himself to post a negative review and why he did not clarify in the review that it was based on information provided by others.
108. Further, the Member accepts that, by posting such a review while wearing his APA uniform, the Applicant created a risk that readers of his review would associate his comments with the APA.
109. The APA's submissions identify that the Application's conduct in relation to this allegation was in breach of the APA Coaches Code of Behaviour and Consent as well as clauses 13.2(c)(ii) and (iii) of the APA Constitution.



110. **Breaches of APA Constitution.** The Member is satisfied that the Applicant's conduct in relation to this allegation was conduct which was unbecoming of a Member, in breach of clause 13.2(c)(ii) of the APA Constitution. By making public social media posts using a profile picture of himself in his APA uniform, the Applicant associated his public comments with the APA. The public comments in this regard were a negative review of an APA-affiliated gym which, for reasons given above, contained misrepresentations. Further, the review was in respect of a gym whose owner, Mr Potts, was ostensibly a coaching competitor of the Applicant.
111. The member is not satisfied that the Applicant's conduct was a breach of clause 13.2(c)(iii) of the APA Constitution. That clause requires proof of prejudice to the APA or the sport of powerlifting or proof that either of those had been brought into disrepute. Proof of a risk of prejudice or disrepute is not sufficient.
112. **Breaches of the APA Coaches Code of Behaviour and Consent.** The Applicant's conduct was conduct by one coach directed to another. For the reasons given above in relation to clause 13.2(c)(ii) of the APA Constitution, the Member is also satisfied that the Applicant's conduct here constituted a breach of the following requirements of the APA Coaches Code of Behaviour and Consent (of the breaches identified in the APA's submissions):
- a. display control and courtesy to all involved with powerlifting;
 - b. adopt appropriate and responsible behaviour in all interactions;
 - c. be honest.
113. Accordingly, the Member finds this allegation to be substantiated in part.

Sanction

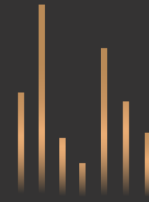
114. The CDDP does not expressly identify the sanctions which can be imposed by the APA (or by the NST) if a finding of disciplinary misconduct has been established. It does, however, refer to Sport Integrity Australia's Case Categorisation Model guidelines.
115. As addressed above, clause 8.7(b)(ii) of the CDDP provides that the NST is to "*arbitrate the substantiated allegations and proposed Sanction set out in the Breach Notice.*"
116. The term 'Sanction' is defined in clause 3 of the CDDP as follows:

Sanction means the disciplinary action(s) taken against a Respondent for breaching a Relevant Policy

117. Clause 8.4 of the CDDP provides further details regarding sanctions:

8.4 Appropriate Sanctions

- (a) *The Australian Powerlifting Alliance may impose one or more Sanctions on a Respondent where this is considered appropriate.*
- (b) *In making a determination under clause 8.4(a) the Australian Powerlifting Alliance may refer to the Case Categorisation Model, taking into account:*
 - i. *the seriousness of the behaviour;*
 - ii. *whether it was a one-off incident or part of an overall pattern of behaviour;*



- iii. *whether it was an honest and reasonable mistake;*
- iv. *the potential impact on public confidence in the integrity of the sport;*
- v. *the potential impact of the proposed Sanction on the Respondent;*
- vi. *the views and opinion of the Complainant; and*
- vii. *any other relevant aggravating or mitigating factors.*

118. The 'Case Categorisation Model' is defined as follows in clause 3 of the CDDP:

Case Categorisation Model means the guidelines published by Sport Integrity Australia and available on its website for evaluating and prioritising allegations of Prohibited Conduct and assisting with determining an appropriate mechanism to manage a Complaint, as amended from time to time.

119. The Case Categorisation Model published by Sport Integrity Australia identifies low, medium and high level categorisations for misconduct. It provides as follows:

Category 1 (Blue) Complaints and Reports involve allegations of Prohibited Conduct that are assessed as low risk. Category 1 matters can be appropriately addressed through education and a reminder of obligations. Mostly (although not always) these behaviours involve a mistake, misunderstanding, or an absence of intent to harm. Category 1 matters generally appear to be isolated incidents and there are rarely, if any, complicating factors. The category 1 process is an effective way to ensure all parties are educated and helps to draw a clear line about expected behaviours going forward.

...

Category 2 (Amber) matters may involve the risk of moderate or reasonable harm, or repeated, more severe, or more complex Category 1 Complaints or Reports.

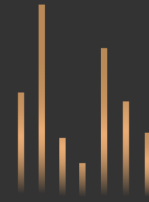
Category 2 matters may allege Prohibited Conduct that poses a moderate to high risk to an individual or individuals in the sport. Category 2 matters may have complicating factors, such as reoccurring behaviour, increased severity or intensity of conduct or multiple affected parties. Category 2 matters may also have the potential to meet a criminal threshold (and may require referral to law enforcement, child protection agencies and/or the Sport Organisation).

...

Category 3 (Red) matters often clearly involve allegations of criminal behaviour and/or present immediate risk of harm.

Category 3 matters may include more severe Category 2 allegations where there is the presence of significant complicating factors. Whether a matter is 'more severe' is determined on the specific circumstances, including the frequency, intensity or number of reported incidents.

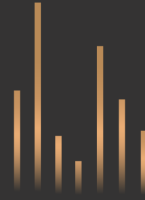
Category 3 matters must be reported to law enforcement and/or Child protection as mandated.



120. The Case Categorisation Model identifies, in a non-exhaustive manner, types of sanctions which can be imposed.
121. **Consideration.** The Member agrees with the APA's assessment that the Applicant's conduct (or at least such of the conduct which the Member has found to have been Prohibited Conduct substantiated as breaches of policy) falls within Category 1; that is, minor breaches. The primary matters which the Member takes into account in this regard include:
- a. the nature of the Applicant's conduct falls at the lower end of conduct which could constitute breaches of the relevant policies;
 - b. the Applicant's young age at the time of his conduct; and
 - c. the fact that the Applicant has autism and, in his own submission, was still developing his social skills.
122. In the circumstances, the Member considers it appropriate to accede to the Applicant's request that the proposed 'first and final warning' should be downgraded to a simple warning. In that regard, any further breaches by the Applicant of policies can (and should) be considered by the APA having regard to their facts and circumstances and the sanction in this procedure should not dictate the sanction to be imposed in respect of any later breaches. Of course, that will not prevent the APA from proposing to impose, or from imposing, suspension of the Applicant's membership as a result of a further breach.
123. Given the Member has determined that the allegations concerning the opps sheet have not been substantiated, and there is no breach of policy in compiling publicly-available information about competitor athletes, the Member determines it is neither necessary nor appropriate to impose a directive that the Applicant cease creation of scouting documents.

THE TRIBUNAL THEREFORE DETERMINES:

1. The Application for Arbitration lodged by the Australian Powerlifting Alliance on 29 September 2025 is admissible.
2. Mr Harvey Spencer is found to have committed breaches of the clause 13.2(c)(ii) of the Constitution of the Australian Powerlifting Alliance and the Australian Powerlifting Alliance Coaches Code of Behaviour and Consent as a result of a misleading and negative Google review posted by Mr Spencer in respect of Hunter Performance Centre where Mr Spencer's profile picture associated with the review depicted Mr Spencer wearing an Australian Powerlifting Alliance uniform.
3. Mr Spencer is issued a Formal Warning in respect of his conduct.
4. Mr Spencer is required (to the extent not already completed) to complete the following training modules and submit his certificate of completion to the Board of the Australian Powerlifting Alliance as evidence of completion:
 - a. Play by the Rules – Harassment & Discrimination;
 - b. Pay by the Rules – Inclusive Coaching;
 - c. Sport Integrity Australia – Community Coaching Essentials;



5. Mr Spencer is required (to the extent not already completed) to review and submit to the Board of the Australian Powerlifting Alliance written acknowledgement of the following documents:
- a. APA Coaches Code of Behaviour and Consent;
 - b. APA Member Protection Policy;
 - c. eSafety Commissioner resource; *Recognising Online Abuse in Sport*.

Date: 23 December 2025.



Annabelle Williams OAM