

Case number: NST- E25-342751

Case Title: Aran Yoganandha v Australian Powerlifting Alliance

Determination

National Sports Tribunal General Division

sitting in the following composition:

Member Jon Erbacher

in the arbitration between

Aran Yoganandha

Applicant

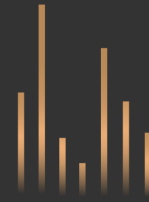
Self-represented

And

Australian Powerlifting Alliance

Respondent

Represented by Gayann Walker, Counsel and Abbi Bosward-Fielding, Managing Director



PARTIES

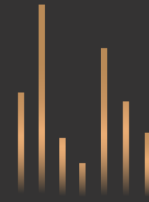
1. This arbitration involves the determination of disciplinary proceedings brought against Mr Aran Yoganandha (the **Applicant**) by Australian Powerlifting Alliance (**APA** / the **Respondent**).
2. The Applicant is an athlete in the sport of powerlifting and a member of the Respondent.
3. The Respondent is the national governing body for powerlifting competitions in Australia.

INTRODUCTION

4. On 23 July 2025, the Board of the Respondent issued the Applicant with a notice of the outcome of its investigation into a formal complaint (**Breach Notice**) which outlined that, following an investigation into a complaint, the Applicant was found to have breached:
 - a. the APA Coaches' Code of Behaviour and Consent (**Coaches' Code**);
 - b. the APA Member Protection Policy (**MPP**);
 - c. clause 13.2(c)(ii) and (iii) of the APA Constitution (**Constitution**).
5. The following sanctions were imposed by the Respondent on the Applicant:
 - 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. the provisional suspension from coaching at all APA events remaining imposed on 7 July 2025 remaining in-effect until both;
 - i. a valid ABN evidencing business registration; and
 - ii. a current certificate of public liability insurance, were provided by the Applicant to the APA.
 - c. a suspension from holding any APA national or international coaching appointments for a period of 12 months, effective from 23 July 2025;
 - d. that, prior to reinstatement of coaching privileges, the Applicant complete 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.
6. On 29 September 2025, the Respondent issued a notice of referral to the NST under clause 8.5 of APA's Complaints, Disputes and Disciplinary Policy (**CDDP**).

NST JURISDICTION

7. The jurisdiction of the NST is engaged by sections 23(1)(a) and 23(1)(b)(ii) of the *National Sports Tribunal Act 2019* (Cth) (**NST Act**) and clauses 8.5 and 8.6 of the CDDP.
8. In October 2025, the parties agreed in writing to the NST's jurisdiction to hear the alleged breaches of the Constitution, the MPP and the Coaches' Code. The parties have further confirmed the jurisdiction of the NST in the Arbitration Agreement.



9. Under section 52 of the *National Sports Tribunal (Practice and Procedure) Determination 2024 (NST Determination)*, where the Tribunal considers it appropriate to do so and all the parties agree, the Tribunal may determine a dispute without a hearing. Section 52A of the NST Determination provides that the Tribunal is to act in accordance with the terms of the relevant constituent document or agreement for the resolution of the dispute.
10. The parties agreed in writing that the NST would hear the application without the need for an oral hearing.
11. The arbitration proceeded by way of a hearing (on the papers) *de novo*¹, in which the Tribunal was tasked with hearing and considering the evidence adduced by the parties and making findings of fact based on that evidence.
12. The hearing was carried out with a level of informality consistent with the general principles relating to arbitrations before the Tribunal as set out in the NST Act², as follows:
 - a. the procedure of the Tribunal is, subject to the NST Act, within the discretion of the Tribunal;
 - b. the arbitration must be conducted with as little formality and technicality, with as much expedition and at the least cost to the parties as a proper consideration of the matters before the Tribunal permit; and
 - c. the Tribunal is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks appropriate.

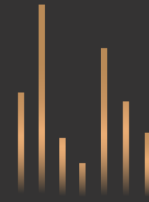
FACTUAL BACKGROUND

The complaint

13. This arbitration has its origins in a complaint made against the Applicant by Mr Aiden Potts (**Complainant**), in which the Complainant made various allegations against the Applicant, including, *inter alia*, those which are the subject of the Breach Notice and this arbitration.
14. The Complainant is a member of the Respondent, an International-level coach and an athlete in the sport of powerlifting. He is also the Director and Head Coach of Hunter Performance Centre (**HPC**), an APA Affiliate gymnasium in Newcastle.
15. The Applicant was a customer of HPC and was once coached by the Complainant.
16. It seems that friction in the relationship between the Complainant and the Applicant began by no later than in or about August 2024, after (it was asserted by the Complainant) the Applicant began to bully staff and other members of HPC, and was attempting to “*coach and poach*” other HPC members of the gymnasium floor.
17. Although there is no evidence of the Complainant raising concerns with the Applicant about “*bullying*” of HPC members and staff, in an email on 24 August 2024 the Complainant did raise concerns about the Applicant “*coaching and cueing*” other members of the gym.

¹ *Olga Beloousov v Gymnastics Australia* NST-E24-331101

² Section 40(1) of the NST Act.

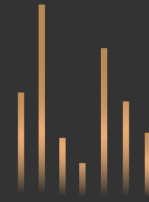


18. On or about 19 May 2025, the Applicant ceased his coach-athlete relationship with the Complainant and, at some stage thereafter, his membership with HPC.³
19. Subsequently, the Applicant updated certain Google reviews that he had posted online in relation to HPC, including by:
 - a. reducing the rating progressively over time from 5 stars to 2 stars;
 - b. updating the review from being a favourable one, to one which stated:
 - i. *“Only solid powerlifting gym in Newcastle. Pricey side for a gym only membership. Would say to go train there if you’re visiting the city 😊”*; and
 - ii. *“One of the ok powerlifting gyms in Newcastle. Very expensive for a gym only membership in such a small space. Would say not to go train there if you’re visiting the city”*.
20. At or about the same time, the Applicant made positive Google reviews for other powerlifting gymnasiums in Newcastle.
21. The Applicant ceased to communicate with the Complainant on social media after being “blocked” by him.
22. On any view, the Applicant and the Complainant had a falling out, following what was previously, no doubt, a close professional relationship.
23. It is in the above context that the Complainant submitted a complaint to the Respondent on 25 June 2025. By the complaint the Complainant alleged, relevantly for the purposes of the Breach Notice that was issued by the Respondent and for the purposes of this arbitration (that is to say, there were other allegations by the Complainant which are not the subject of this arbitration), that the Applicant had engaged in multiple breaches of the MPP, the Coaches’ Code and the Constitution, as follows:
 - a. on 17 April 2024 the Applicant *“...posted an inappropriate and discriminatory comment on an APA promotional post highlighting the involvement of Special Olympics athletes at Mega Nationals. According to APA member Stephanie Lara, who brought this to [the Complainant’s] attention, Mr Yoganandha tagged Mr Harvey Spencer in the comment, writing:

“WHERE’S MA BOI @harveyizfit1”

(the **Adaptive Athlete Complaint**);*
 - b. at APA Mega Nationals in May 2025, the Applicant engaged in:
 - i. *“false and misleading statements about [the Complainant], [his] business, and [his] clients”*
 - ii. *“repeated harassment of HPC athletes ... and staff”;*
 - iii. *“active attempts to poach junior athletes, including HPC members and athletes from other coaches ... through:*

³ See the social media private messages between the Applicant and the Complainant as included in the Applicant’s “First Appeal Submission” dated 30 July 2025, at Appendix Q to the Respondent’s submissions.



1. *Spreading false claims about existing coaches; and*
2. *Offering free coaching/programming as an inducement to change coaches.”*

(the **APA Mega Nationals Complaint**);

- c. the Applicant “*created and circulated a document referred to as the “Opps Sheet” which included:*

- *Subjective evaluations of athletes’ perceived weaknesses;*
- *Derogatory and demeaning comments;*
- *Specifically, referring to [Mr Walter Chancellor] as having only “clapped to ok meets” and labelling him a “pussio.”*

(the **Opps Sheet Complaint**);

- d. the Applicant “*engaged in deliberate online actions intended to damage the reputation of Hunter Performance Centre (HPC) and [the Complainant] as its Director*” including whilst his profile-picture featured the Applicant wearing APA-branded clothing, by:

- *Submitting false and misleading reviews on the HPC Google Business Profile, with claims that are factually incorrect;*
- *Editing previously submitted reviews, such as Mr Yoganandha altering his original 5-star rating to a negative review after leaving the facility;*
- *Uploading derogatory photos of [the Complainant] personally, as part of an effort to discredit me and my business;*
- *Publishing false claims about the HPC facility, including from Mr Spencer, who has never attended the premises.”,*

and further targeted HPC through other channels, including by “*Posting on competitor gym social media pages, praising their equipment and environment, to intentionally divert APA related & non-APA related leads away from HPC.*”

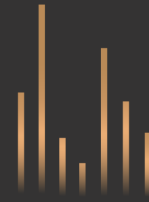
(the **Google Reviews Complaint**);

- e. the Applicant was operating a coaching business without having a registered ABN or public liability insurance (the **Registration and Insurance Coaching Complaint**).

24. The Complainant further stated in the complaint that the Applicant’s alleged conduct had caused the following impact:

- *Emotional distress and significant stress to myself personally.*
- *Reputational harm to myself, Hunter Performance Centre, and the APA community.*
- *Loss of clients and direct financial damage to my business.*
- *Breakdown of trust and relationships within the APA-affiliated powerlifting community.”*

25. Finally, the Complainant sought that various sanctions be imposed on the Applicant, including (but not limited to) immediate provisional action, suspension from APA events for a defined



period and injunctive relief to prevent the Applicant from making public comment about the Complainant and his business.

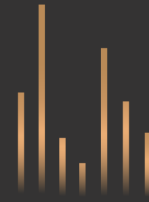
The investigation

26. The abovementioned (but not all) allegations being the subject of the complaint were determined by the Respondent to be within the scope of the CDDP and categorised as “Category 2” complaints under the Case Categorisation System⁴, based on the following characteristics of the alleged conduct:
- a. *Repeated or more severe Category 1 behaviours.*
 - b. *Inappropriate jokes relating to a person with a disability.*
 - c. *Bullying and psychological intimidation.*
 - d. *Harassment of athletes and coaches.*
 - e. *Risk to mental wellbeing and athlete development.*
 - f. *Ongoing pattern of conduct.*
27. On 4 July 2025, the Respondent:
- a. imposed provisional action on the Applicant, suspending him from coaching at APA events pending his provision of evidence of an ABN and public liability insurance;
 - b. notified the Applicant that the Respondent would be undertaking an investigation in relation to the allegations referred to in the Breach Notice.
28. The investigation proceeded over the course of two to three weeks and:
- a. involved the interview of certain witnesses, including collation of “*additional community feedback*” from Stephanie Lara, the Respondent’s head of social media;
 - b. did not involve (prior to its conclusion) any interview, collation of evidence or seeking of submissions from the Applicant (whether as to the merits of the complaint or the proposed sanction), despite the notice of investigation stating that “*You will be given an opportunity to respond in full once the investigation is underway. Further instructions and timeframes will be issued shortly.*”

The Breach Notice and the Applicant’s response

29. On 23 July 2025, the Respondent issued the Breach Notice to the Applicant.
30. The Applicant initially responded by email in which he asserted that the nature of the report was “*malicious*” as he was aware that the Complainant had stated on multiple occasions that he hated the Applicant and wanted to get him “*banned from the APA*”, and requested a copy of the evidence relied upon to issue the Breach Notice.
31. The Respondent declined to provide the evidence (on the basis of privacy) but provided some further details of the allegations made against the Applicant and the process adopted in carrying out the investigation.

⁴ As published by Sport Integrity Australia on its website.



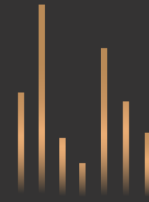
32. The Applicant was subsequently invited to, and did, provide a detailed response to the Breach Notice, comprised in submissions made to the Respondent on 30 July 2025 and 8 August 2025.
33. Following receipt of the Applicant's submissions in response to the Breach Notice, the Respondent:
 - a. on 31 July 2025, advised the Applicant that a further investigation would be undertaken, including additional interviews with impacted parties, such as the Applicant and Alex Williams, and any other individuals deemed necessary, and upon completion of that process, the Applicant would have the opportunity to review and respond to any new findings that may result from the additional investigation⁵;
 - b. subsequently, on 29 September 2025, advised the Applicant that the matter would be referred to the NST⁶.
34. On 6 August 2025, the Applicant provided the Respondent with a certificate of insurance and advised that, in circumstances where he was not charging for any coaching advice that he provides, he did not consider that he required an ABN and was not aware of any policy requirement that he have one.
35. On 8 August 2025, the Respondent advised the Applicant that the provisional suspension had been lifted so that he was able to coach at APA events again.
36. While the Tribunal has considered all the facts, allegations, legal arguments and evidence submitted by the parties, these reasons refer only to the submissions and evidence that the Tribunal considers necessary to explain its reasoning in arriving at the determination contained herein.

PROCEEDINGS BEFORE THE NST

37. Directions for the delivery of submissions and evidence in respect of this arbitration were made by the NST Registry.
38. In accordance with those directions (as extended, by consent of the parties), each of the parties filed both primary and reply submissions, together with supporting evidence in various forms.
39. No objection was made at the outset of the hearing to the composition of the Tribunal and the parties confirmed that their procedural rights had been fully respected.
40. After the filing of submissions and evidence, neither party sought an oral hearing, whether to cross-examine any witnesses, or otherwise.

⁵ It is not clear what, if any, additional investigation was undertaken by the Respondent.

⁶ The Respondent submitted that this was due to a "*conflict of interest and the additional resource burden*" arising from new allegations that were made against the Complainant, including alleged breaches of the MPP involving the Respondent's Managing Director and investigator, Ms Bosward-Fielding "*and close acquaintances*".



APPLICABLE RULES

41. It was not disputed that each of the Constitution, the MPP, the Coaches' Code⁷ and the CDDP apply to the Applicant as a member of the APA and for the purposes of the matters to be determined in this arbitration.
42. The key provisions of the MPP relevant to the allegations the subject of the Breach Notice are as follows:

3.2 When this Policy applies

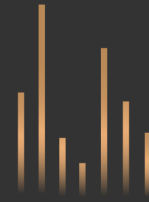
- (a) *All Relevant Persons and Relevant Organisations to which this Policy applies must comply with this Policy (at all times whilst they are a Relevant Person or Relevant Organisation), including:*
 - i. *in relation to any dealings, they have with Relevant Organisations or their Employees, Contractors, 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)⁷.*

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*

⁷ No evidence was adduced by either party that the Coaches' Code had been signed or acknowledged by the Applicant, however the parties proceeded on the basis that it applied to the Applicant in circumstances where he was performing coaching services associated with APA (albeit on a volunteer basis).



vii. Vilification.

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

2. Definitions

Abuse means 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.

Bullying means 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.

Harassment means 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.

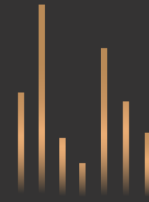
Discrimination includes both direct and indirect discrimination (either on person or online) which have the following meaning:

- (a) **'Direct discrimination'** occurs where, because a person has a Protected Characteristic, they are treated less favourably than a person without that characteristic would be treated in the same or similar circumstances.
- (b) **'Indirect discrimination'** occurs where a practice, rule, requirement or condition that applies to everyone disadvantages people with a Protected Characteristic and the practice, rule, requirement or condition is not reasonable in the circumstances.

Appendix 1: Examples of Prohibited Conduct

1. **Abuse** is behaviour of a nature and level of seriousness which includes, but is not limited to:

- (c) 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.



2. Bullying is behaviour of a nature and level of seriousness which includes, but is not limited to, repeatedly:

- (b) making rude gestures, using inappropriate or derogatory names, being rude, constantly negative and teasing (either in-person or online);
- (c) spreading rumours or lies, or misrepresenting someone either in-person or online (e.g., using their social media account to post messages as if it were them);
- (d) harassing someone (either in-person or online) based on a Protected Characteristic such as age, race or ethnicity, sex, sexual orientation, gender identity, religion, or a disability;

3. Harassment is behaviour of a nature and level of seriousness which includes, but is not limited to:

- (d) making derogatory comments or taunts about someone's race, disability, sexual orientation, gender identity or gender expression (either in-person or online);

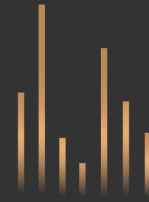
5. Discrimination is differential treatment (either in-person or online) based on a personal characteristic including, but not limited to:

- (b) disability;

43. The key provisions of the Coaches' Code relevant to the allegations the subject of the Breach Notice are as follows:

The Australian Powerlifting Alliance (APA) endorses the Australian Sports Commission (ASC) Sport's Code of Behaviour that provides guiding principles that reflect and uphold fairness, respect, responsibility and safety that lead to appropriate behaviour regardless of a person's involvement in powerlifting as outlined below:

- *Operate within the rules and spirit of APA powerlifting, promoting fair play over winning at any cost.*
- *Encourage and support opportunities for people to Learn appropriate behaviours and skills*
- *Support opportunities for participation in all aspects of the sport of powerlifting*
- *Treat each person as an individual*
- *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.*
- *Respect the decision of officials, referees, head coaches and administrators in the conduct of powerlifting competitions*



- *Wherever practical, avoid unaccompanied and unobserved one-on-one activity (when in a supervisory capacity or where power imbalance will exist) with people under the age of 18 years.*
- *Maintain a current working with children check*
- *Adopt appropriate and responsible behaviour in all interactions*
- *Adopt responsible behaviour to alcohol and other drugs*
- *Act with integrity and objectivity, and accept responsibility for your decisions and actions*
- *Ensure your decisions and actions contribute to a safe environment*
- *Ensure your decisions and actions contribute to a harassment free environment*
- *Do not tolerate harmful or abusive behaviours.*
- *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.*
- *Any physical contact with a person should be appropriate to the situation and necessary for the person's skill development or safety*
- *Be honest and do not allow your qualifications to be misrepresented*
- *Maintain appropriate insurance and provide a certificate of currency*
- *Report any accusations or investigations that may negatively impact your reputation or integrity as a coach, and voluntarily stand down until the matter is resolved.*

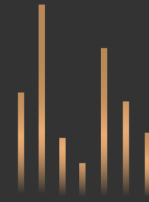
44. The key provisions of the Constitution relevant to the process for determination of the complaint are as follows:

13.2 Policies

(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;

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



45. The key provisions of the CDDP relevant to the process for determination of the complaint are as follows:

4.1 When this Policy applies

- (a) *This Policy applies to Prohibited Conduct under each of the Relevant Policies.*

3. Definitions

Prohibited Conduct means the conduct proscribed in each of the Relevant Policies, including the conduct proscribed under clause 5 of this Policy.

5. Prohibited Conduct

5.1 What is Prohibited Conduct under this Policy?

- (a) *Subject to clause 5.1(b), in addition to the conduct proscribed under each of the Relevant Policies, a Relevant Person or a Relevant Organisation will breach this Policy if they:*

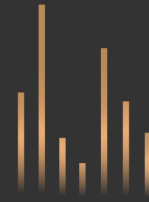
- i. fail to report any conduct which is reasonably likely to be Prohibited Conduct, to Sport Integrity Australia or the Australian Powerlifting Alliance in accordance with clause 6.7, as soon as reasonably practicable after they become aware of it without reasonable cause;*
- ii. deliberately or wilfully withhold information in relation to any conduct which is reasonably likely to be Prohibited Conduct;*
- iii. fail to provide further information or documentation as requested during the Complaint Process without reasonable cause;*
- iv. fail to comply with a Breach Notice;*
- v. knowingly provide any inaccurate and/or misleading information during the course of any Complaint Process under this Policy; or*
- vi. fail to comply with obligations under this Policy to keep information confidential.*

- (b) *A Relevant Person or Relevant Organisation will not be deemed to have breached this Policy if they fail to answer a question or provide information on the grounds that doing so would be a breach of any applicable law.*

- (c) *The Australian Powerlifting Alliance may initiate disciplinary action in accordance with this Policy if it becomes aware of a potential breach of clause 5.1(a) of this Policy.*

4.2 Who the Relevant Policies apply to

- (a) *The Relevant Policies apply to and bind:*
- i. all Relevant Persons and Relevant Organisations.*
 - ii. any person who, or organisation that:*
 - A. has had a Complaint or Report made against them; and*



- B. was bound by the Relevant Policies at the time of the alleged Prohibited Conduct, even if they are no longer a Relevant Person or Relevant Organisation.

3. Definitions

Relevant Person means any of the following persons:

- (a) Individual Member;
- (b) Participant;
- (c) Employee;
- (d) Contractor;
- (e) Volunteer; or
- (f) Any other individual who has agreed to be bound by the National Integrity Framework and/or the Relevant Policies.

7.5 Investigation

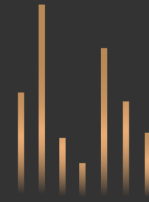
- (a) The organisation responsible for managing the Complaint may conduct an investigation to obtain additional evidence, including by way of formal interview and collection of additional information, to determine if the alleged Prohibited Conduct is a breach of a Relevant Policy.
- (b) In conducting an investigation, the rules of procedural fairness will apply, including by providing both the Complainant and the Respondent with a reasonable opportunity to be heard.
- (c) Where a Respondent has been convicted or found guilty in a criminal, disciplinary or professional proceeding of engaging in conduct which would constitute Prohibited Conduct under a Relevant Policy, the Respondent will be deemed under this Policy to have committed Prohibited Conduct without requiring further investigation, or any other process.
- (d) Following an investigation, the Complaint will be managed in accordance with clause 8, or if being managed by the Australian Powerlifting Alliance may be referred directly to a Hearing Tribunal.

7.6 Standard of proof

- (a) The standard of proof that applies to all substantive decisions (including by a Hearing Tribunal) made under this Policy in respect of allegations of Prohibited Conduct is "balance of probabilities". This means the decision-maker must be satisfied that it is more likely than not that there has been a breach of a Relevant Policy.

8.4 Appropriate Sanctions

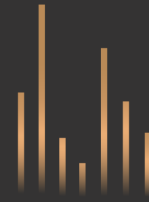
- (a) The Australian Powerlifting Alliance may impose one or more Sanctions on a Respondent where this is considered appropriate.
- (b) In making a determination under clause 8.4(a) the Australian Powerlifting Alliance may refer to the Case Categorisation Model, taking into account:



- 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.*

8.5 Breach Notice

- (a) If the allegations are found to be substantiated, the Australian Powerlifting Alliance will issue a Breach Notice. Any Breach Notice issued by the Australian Powerlifting Alliance to a Respondent will:*
 - i. notify the Respondent of the allegations found to be substantiated, including the alleged conduct;*
 - ii. state the proposed Sanction, if any, for the substantiated allegations;*
 - iii. state that the Respondent has a right to a hearing in relation to the allegations found to be substantiated and/or the proposed Sanction;*
 - iv. state that the Respondent may accept the findings, waive their right to a hearing and accept the proposed Sanction;*
 - v. state that if the Respondent does not respond in writing within 14 days of the date of the Breach Notice, they will be deemed to have accepted the findings, waived their right to a hearing and accepted the proposed Sanction, unless otherwise agreed by the Australian Powerlifting Alliance;*
 - vi. state that any response to the Breach Notice must be made to the Australian Powerlifting Alliance, and provide contact details of the Complaint Handler; and*
 - vii. be provided to the Respondent, and (if applicable) Relevant Organisation.*
- (b) In response to a Breach Notice, a Respondent may:*
 - i. accept the findings, waive their right to a hearing and accept the proposed Sanction; or*
 - ii. dispute the findings and/or the proposed Sanction, in which case the matter will be referred to a Hearing Tribunal under this Policy.*
- (c) Unless otherwise agreed by the Australian Powerlifting Alliance, a Respondent has 14 days from the date of the Breach Notice to notify the Complaint Handler in writing of their decision.*
- (d) Notice given under paragraph 8.5(b)ii. must be:*
 - i. given in writing (whether by email or other means);*



- ii. sent to the Australian Powerlifting Alliance Complaint Handler at the address given on the Breach Notice; and*
- iii. received within 14 days from the date of the Breach Notice.*
- (e) If the Australian Powerlifting Alliance does not receive notice under clause 8.5(b)ii. within 14 days from the date of the Breach Notice, the Respondent will be deemed to have waived their right to appeal.*

8.6 Referral to a Hearing Tribunal

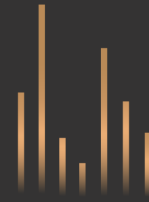
- (a) If the Respondent disputes the substantiated allegations and/or the proposed Sanction in the Breach Notice, the Complaint Handler must refer the matter to a Hearing Tribunal.*
- (b) If the matter is an NST Eligible Matter, the substantiated allegations and proposed Sanction may be referred by the Australian Powerlifting Alliance to the NST General Division for arbitration. The Australian Powerlifting Alliance is responsible for making the application to the NST. Payment of the NST fees will be as agreed by the parties or managed in accordance with the NST Legislation.*
- (c) If the matter is not referred to the NST, it will otherwise be referred to a Hearing Tribunal convened internally either at the Australian Powerlifting Alliance level or other Relevant Organisation level.*

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.*

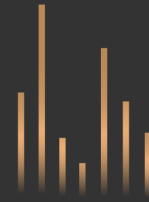
MAIN SUBMISSIONS OF THE PARTIES

46. The Respondent and the Applicant both filed extensive written submissions (including submissions in reply). In addition to the submissions filed in this proceeding, were the submissions by the Complainant and the Applicant made in respect of the complaint, together with witness statements (in various forms) and other documentary evidence adduced in an informal manner.

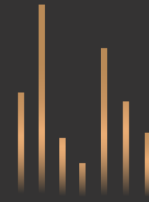


47. The Respondent made submissions to the effect that (in broad summary):
- a. the Adaptive Athlete Complaint is substantiated, in circumstances where:
 - i. the Applicant posted a mocking comment on an APA social media post celebrating Special Olympics participation at Mega Nationals;
 - ii. although the comment was deleted after a reprimand from the APA social media team, the conduct was perceived as disrespectful to adaptive athletes and in breach of the Coaches' Code and the MPP;
 - iii. the Respondent's head of social media, Stephanie Lara, had "*advised*" that the Applicant's mocking comment was not isolated and "*verbal concerns were raised*" about a broader pattern of exclusionary and belittling behaviour prior to the APA Mega Nationals competition;
 - b. the APA Mega Nationals Complaint is substantiated, in circumstances where:
 - i. in reliance upon the witness statements which accompanied the complaint and interviews undertaken by the Respondent:
 1. the Applicant engaged in conduct which constituted verbal harassment and disparaging comments towards HPC athletes Sung Ok and Walter Chancellor, and HPC staff member Jarrod Leonard, including at Mega Nationals;
 2. the Applicant engaged in a pattern of social media mockery targeting the abovementioned individuals and the Complainant;
 - ii. the Applicant did not dispute that the alleged statements were made by him, but merely sought to justify them;
 - iii. the Tribunal should disregard certain documentary evidence⁸ in considering the Respondent's submissions;
 - c. the Opps Sheet Complaint is substantiated, in circumstances where:
 - i. the Applicant (together with Mr Harvey Spencer) created and circulated a document referred to as the Opps Sheet, which was a spreadsheet profiling and critiquing junior lifters, including HPC athlete Walter Chancellor, and up to 30 other junior athletes;
 - ii. the Opps Sheet included:
 1. subjective evaluations of athletes' perceived weaknesses;
 2. derogatory and demeaning comments;
 3. specifically, referring to Mr Chancellor, as having only "*clapped to ok meets*" and labelling him a "*pussio*";
 - iii. the language used in the Opps Sheet was not only offensive and abusive, but it also:

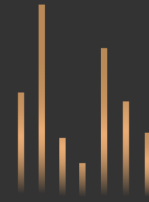
⁸ Screenshots of a discussion between Mr Ok and the Applicant, as well as other documents regarding allegations against the Complainant.



1. directly undermined the safety, confidence and dignity of young athletes;
 2. publicly critiqued and ridiculed young athletes, and created a toxic, exclusionary culture;
 3. undermined existing coaching relationships;
 4. fostered psychological intimidation for competitive advantage;
- iv. the alleged conduct breached multiple clauses within the MPP (including those related to harassment, vilification and bullying) and multiple clauses of the Coaches' Code;
- d. the Google Reviews Complaint is substantiated, in circumstances where:
- i. the Applicant posted false and defamatory Google reviews about HPC;
 - ii. while the content of the reviews falls outside APA's jurisdiction, the Applicant's profile image accompanying the reviews show him wearing an APA international uniform (which is only supplied to APA officials), creating the necessary link to APA and creating a risk of bringing the APA and the sport into disrepute;
 - iii. any comparison of the Applicant's conduct with alleged conduct on the part of the Complainant is irrelevant;
 - iv. the alleged conduct breached both the Coaches' Code and the Constitution;
- e. the Registration and Insurance Coaching Complaint is substantiated, in circumstances where the Applicant was conducting coaching activities without a registered ABN or valid public liability insurance, in breach of the requirements of the Coaches' Code and the Constitution;
- f. the Respondent submits that the Tribunal should impose sanctions as per the Breach Notice, on the basis that:
- i. the Applicant's conduct indicates an overall pattern of behaviour that fell below the standard expected of its members and in particular those members who are also coaches;
 - ii. the Applicant's behaviour was intentional, targeted, and lacking in remorse;
 - iii. the Applicant's conduct had a cumulative impact on the wellbeing of affected individuals and the broader community;
 - iv. the sanctions reflect the seriousness and cumulative impact of the conduct and the need to protect athlete wellbeing and the APA's culture and reputation;
 - v. the sanctions address the core issue of the Applicant's apparent lack of insight on the impact of his conduct and potential impact of his actions;
 - vi. the sanctions are proportionate and serve not only specific deterrence but general deterrence;
 - vii. the sanctions seek to publicly acknowledge the conduct standards expected of APA members and to promote a more positive and inclusive culture.
48. The Applicant made submissions to the effect that (in broad summary):



- a. as to the Adaptive Athlete Complaint:
 - i. the comment was directed at Mr Spencer, a close friend of the Applicant, who was diagnosed with autism and has had a long expressed interest in Special Olympics and adaptive-strength communities;
 - ii. his intention was light-hearted and supportive of Mr Spencer, as he was genuinely confused as to why Mr Spencer had not been featured in APA's promotional content;
 - iii. the comment was not intended to mock or diminish the achievements of adaptive athletes;
 - iv. he voluntarily removed the comment prior to the APA social media team raising their concern, and upon that concern being raised, he immediately responded with clarification that Mr Spencer had not taken any offence, stating "*Yo he liked the comment but it's gone.*";
 - v. his broader conduct within the sport reflects that he did not have any discriminatory intent;
 - vi. the comment was a one-off incident arising from an "*isolated misunderstanding*", rather than part of an overall pattern of behaviour;
- b. as to the APA Mega Nationals Complaint:
 - i. he did say to (and in reference to) Mr Ok that he would "*beat the old man*", however any hostile interaction between the Applicant and Mr Ok was initiated by Mr Ok;
 - ii. he did not say to (and in reference to) Mr Leonard that it was the "*washed attempt selections*", rejecting that allegation as nonsensical in circumstances where Mr Leonard was not responsible for attempt selections;
 - iii. he rejects Mr Leonard's evidence generally, including that the Applicant harassed him, targeted him over a 12 month period or created a hostile environment;
- c. as to the Opps Sheet Complaint:
 - i. he did not have any involvement in the creation of the Opps Sheet (it having been created by Mr Spencer);
 - ii. his access to the Opps Sheet was limited strictly to the sheet relevant to his National's age group and weight class, and did not extend to any other sheets;
 - iii. he has never shared the Opps Sheet in any form, whether by distributing, posting or making it accessible to any third party;
 - iv. the extract of the version of the Opps Sheet that was provided to Mr Chancellor on 16 June 2025 was in fact a humorous mock-up of the Opps Sheet, which was created by Mr Spencer (and not the Applicant) for a satirical purpose and provided by Mr Spencer (and not the Applicant) to Mr Chancellor in a private social media exchange, and subsequently shared by Mr Chancellor via Instagram in a "close friends" post;



- d. as to the Google Reviews Complaint:
- i. his Google reviews were:
 1. genuine and based on his own personal experience;
 2. factual, proportionate, non-inflammatory and unrelated to the APA;
 - ii. there is no policy prohibiting the appearance of APA logos on online profile pictures;
 - iii. he immediately removed the profile picture once he realised that it might unintentionally suggest an association or endorsement of his review by APA;
 - iv. the conduct does not meet the criteria for acting in a manner unbecoming of a member or prejudicial to the objects and interests of APA, or bringing APA or the sport into disrepute;
 - v. the unrelated conduct of the Complainant, by posting allegedly derogatory and unprofessional comments on social media, ought to be taken into account in considering the Applicant's impugned conduct, including in determining the weight to be given to the Complainant's allegations in respect of this complaint, and whether the APA has suffered any reputational harm as a consequence of it;
- e. as to the Registration and Insurance Coaching Complaint:
- i. he was acting as a volunteer coach and was not charging for his coaching services as at the date of receiving the Breach Notice;⁹
 - ii. in circumstances where he was not charging for his services, and therefore not carrying on a business, he was not required to hold a registered ABN, whether under the APA's policies or otherwise;
 - iii. he promptly responded to the Respondent's requirement that he obtain appropriate insurance and provided evidence of same;
- f. in circumstances where none of the breaches are substantiated, there should be no sanction imposed.

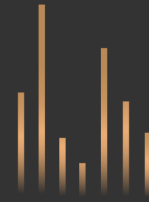
MERITS

49. The standard of proof and method for establishing facts and presumptions are to be as set out in the constituent documents of the sporting body, or in the separate agreement between the parties to the dispute.¹⁰ The CDDP provides that the relevant standard of proof for all substantive decisions (including by a Hearing Tribunal) made under the CDDP in respect of allegations of Prohibited Conduct is on the "balance of probabilities", meaning that the decision-maker must be satisfied that it is more likely than not that there has been a breach of a relevant policy.¹¹
50. At the outset, the Tribunal considers that, in circumstances where the Respondent largely relies upon the material compiled and submitted by the Complainant in support of the complaint, the

⁹ The Applicant submitted that he first charged for coaching services on 9 September 2025.

¹⁰ Section 55 of the NST (Practice and Procedure) Determination.

¹¹ Clause 7.6(a) of the CDDP.



background and surrounding circumstances of the complaint, as set out above, are relevant to construing and giving weight to the evidence that is relied upon by the Respondent. To that end, the Tribunal considers that it is open to infer that the complaint was raised by the Complainant out of spite, with a view to seeking to punish the Applicant – evidence in support of such an inference includes:

- a. that certain allegations the subject of the complaint were historical in nature or did not directly involve the Complainant;
- b. that the complaint followed a falling out between the Applicant and the Complainant;
- c. that in the lead up to the complaint being made, the Applicant had posted unfavourable Google reviews in relation to the Complainant's business, and favourable Google reviews in relation to competitors of the Complainant's business, to which the Complainant took exception;
- d. that the Complainant had informed a customer of HPC (Alex Williams) that he had sent a 13-page document to the APA, that he was "*declaring war*" on the Applicant and that he intended to have the Applicant banned from APA;¹²
- e. that, by his complaint, the Complainant sought a long list of specific sanctions against the Applicant;
- f. that, notwithstanding the strongly-expressed concerns that the Complainant seems to hold in respect of his interpretation of the comment the subject of the Adaptive Athlete Complaint, the alleged comments the subject of the APA Megal Nationals Complaint, and the comments with the Opps Sheet (amongst other things), the reasonableness and genuineness of those concerns is brought into question in light of the Complainant's apparent own use of similar terms to those allegedly used by the Applicant in an informal and joking nature, as well as the Complainant's use of other terms of a plainly derogatory nature.¹³

51. Of course, any inference as to the Complainant's intentions is not indicative (let alone determinative) of whether the Applicant's impugned conduct is in breach of the relevant policies of APA, but it is relevant to the weight that is to be given to the Respondent's evidence and the submissions made in reliance thereon.

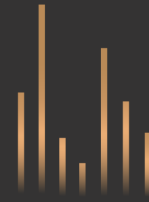
Adaptive Athlete Complaint

52. The Applicant did not adduce any evidence (for example, from Mr Spencer) to support his assertion that his comment on APA's social media post was genuine on the basis that Mr Spencer has been diagnosed with autism, however there is evidence within the material filed by the Respondent to support that conclusion.¹⁴ Athletes with autism form one of the categories of neurodivergent athletes to which the APA Adaptive Athlete's policy applies. The Respondent did not address this point in submissions, other than to say that Mr Spencer is "*an able bodied*

¹² See the social media messages between the Applicant and Mr Williams on 4 July 2025, at page 2 of the Applicant's "First Appeal Submission", at Appendix Q of the Respondent's Submissions.

¹³ See for example, the Complainant's social media posts contained within the Applicant's Secondary Appeal Submission dated 5 August 2025, at Appendix S to the Respondent's Submissions, in which the Complainant uses the terms: "*clapped out*", "*pussy*", "*old man*", "*Harvey Spectrum*", "*faguettes*", "*NDIS excursion*" etc.

¹⁴ See for example, the Instagram direct message exchanges between Mr Spencer and Mr Chancellor on 16 June 2025 in which Mr Spencer's autism is referred to and acknowledged.

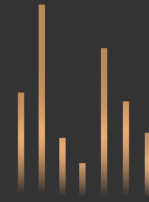


athlete and does not compete at the Special Olympics level.” As such, it is accepted that Mr Spencer has been diagnosed with autism, as the Applicant asserts.

53. The Applicant submitted that he removed the comment prior to receiving any contact or directive from the APA social media team, in circumstances where (after posting the comment, but before receiving any contact from APA), he recognised that the comment *“might be misinterpreted outside of its original context”*. The Respondent denies this and says that it was only removed once contact had been made by APA.
54. The Respondent did not rebut the Applicant’s submission that his intentions were genuine and that the post was not intended to mock or belittle adaptive athletes. Although the Respondent submitted that Ms Lara informed the Respondent that the Applicant’s comment was not isolated (perhaps intending to indicate a pattern of behaviour), Ms Lara did not provide a statement and there is no evidence of similar conduct.
55. For completeness, it is worth noting that:
 - a. in response to APA’s contact, the Applicant’s response was to defend the post by reference to Mr Spencer’s apparent views in relation to it – as opposed to querying why APA might be concerned about what he considered to be a supportive and genuine comment;
 - b. in response to the APA’s further response, which explained the reasons why the post was considered inappropriate, the Applicant did not further respond, but simply “liked” the APA’s response. Instead, one might have expected the Applicant to promptly explain that the APA had misunderstood the intention of his post.
56. However, notwithstanding the above, in the absence of any clear objective evidence as to the Applicant’s intentions, the Tribunal is not satisfied that the Applicant’s intentions in making the comment on the social media post were other than what he states.
57. It follows that (although evidently open to misinterpretation) the Applicant’s comment on the APA’s social media post in relation to adaptive athletes does not fall within the scope of conduct which might be found to be in breach of the MPP or the Coaches’ Code.
58. Therefore, there was no breach in respect of the Adaptive Athlete Complaint.

APA Mega Nationals Complaint

59. The Respondent’s submissions in relation to this complaint are largely reliant upon the corroborating witness statements procured by the Complainant in support of the complaint, together with the witness interviews carried out by the Respondent during the investigation. The Complainant does not give direct evidence about this complaint, nor was he interviewed in relation to it.
60. No documentary evidence was relied upon by either party in respect of this complaint.
61. It is notable that each corroborating witness is closely affiliated with the Complainant, being either a close friend, staff member, HPC member or all of the above. In that sense, their statements are not objectively independent and, as was observed from various aspects of each of the statements, they appear to have been provided out of empathy for the Complainant and the effect that the Applicant’s departure from the HPC membership (and the subsequent fallout between them) has apparently had on the Complainant and his business.



62. The Respondent's submissions note that:

"After reviewing all transcripts and supporting evidence, the APA determined that while there was a possibility of bias on the part of the complainant, witness statements consistently described the impact of [the Applicant's] conduct. Screenshots provided during the investigation further corroborated the allegations. During interviews, Ms Bosward-Fielding confirmed that [the Complainant] had spoken with witnesses beforehand and noted this potential influence. However, testimony remained consistent and credible, confirming the reported events. Some witnesses stated they were not personally distressed but agreed the behaviour was inappropriate and unacceptable under APA standards."

63. The Complainant's potential influence on the statements submitted as part of the complaint is perhaps best demonstrated by the fact that some of the relevant witnesses made inconsistent statements during their witness interviews undertaken by the investigator. For example:

a. whereas Mr Leonard said in his statement that he (and the Complainant) had suffered *"significant disruption, distress and reputation harm"* and *"harm to my emotional and psychological wellbeing"*, when interviewed by the Respondent during the investigation, he described the impact of the alleged statements as:

- i. *"Oh, well, I mean, it kind of like, it did make me feel like a little bit just un-pumpy and more so for Soong...";*
- ii. *"I just chose to, like, you know, continue on past it";* and
- iii. *"you know I don't take it that personally but it's still not nice to hear";*

b. moreover, Mr Leonard said, when asked in his interview, that he did not consider reporting the incident at the time;

c. similarly, Mr Ok said in his interview, of the Applicant's comment about Mr Ok being an *"old man"* that:

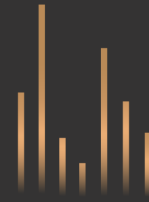
"I just want to say from the very beginning, all of that sort of stuff, so what's Potsy's concern with, I guess, for other athletes, but ... When Harvey and Aaron were making those remarks for me, it really didn't affect me at all. I told this to Aiden as well, for me, if they say all this stuff to other people and it affects them, that might be something to look out for. For me, I think it's a part of sports...

Like, you know, a little bit of talk, like, I think, like, it's not a bad thing or anything...

I can confirm it happened, but I don't want to, like, don't want I don't want them to, like, face, like, Any repercussions from them or anything, or harsh repercussions or anything. So it's more like maybe, for me, like my suggestion to them would be like a warning and like just be careful who you do it to, if anything."

d. in respect of social media posts, Mr Ok said:

"I think like, again, I'll talk back at them on social media just for a bit of fun as a quote-unquote shit talk. That's the ... I'll go back at them. I don't think I'd go at any person, but it's more the fact like, yeah, just be careful on how far they go when they do the shit talking because I can see how some of the things can get a little personal and the timing's not amazing because like ... Yeah, that's all that's all I want to say like I don't I don't want them to like you know for me personally like I don't think what they did to me

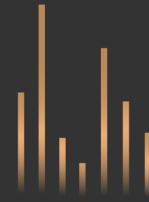


specifically is anything worthy of like anything else like whatever they're done afterwards like you know that's I'm not aware of that so yeah fair enough but um like in regards to me specifically like I'm okay";

- e. Mr Ok was not asked in his interview whether he heard the Applicant say anything directed towards Mr Leonard.
64. In the circumstances, I prefer the evidence of the Applicant to the effect that:
- a. he did make a statement with reference to Mr Ok being an *“old man”*;
 - b. he did not make the alleged statement with reference to Mr Leonard;
 - c. he did not engage in the alleged behaviour that harassed or targeted Mr Leonard, or created a hostile environment.
65. As such, the remaining question is whether the Applicant’s comment at Mega Nationals that was directed to, or at, Mr Ok falls foul of the standard required of him by the Coaches’ Code and the MPP.
66. In circumstances where:
- a. Mr Ok is only 22 years of age (whereas the Applicant only a few years younger, at 18 or 19 years of age);
 - b. Mr Ok interpreted the comment as being *“a little bit of talk”* and *“part of sports”* which *“didn’t affect [him] at all”* – that is to say, light-hearted competitive banter, without malicious intent;
 - c. Mr Ok likened the comment to similar engagements with the Applicant on social media as *“shit talk”* and *“a bit of fun”*,
- the Tribunal is not satisfied that the Applicant’s comment – in isolation – constituted abuse, bullying, harassment, discrimination or any other conduct in breach of the MPP or the Coaches’ Code.
67. Therefore, there was no breach in relation to the APA Mega Nationals Complaint.

Opps Sheet Complaint

68. The Respondent alleged in its submissions *“Whilst [Mr Spencer] was the one who shared the “Opps sheet” with [Mr Chancellor], [the Applicant] was confirmed as contributing to it.”* It is not clear what contribution the Applicant is alleged to have had in relation to the Opps Sheet, other than being aware of it.
69. The Applicant gave clear evidence that he did not have any involvement in the creation of the document, whether in its original form or the mock edit, nor did he provide either of those documents to Mr Chancellor or anyone else.
70. The Applicant’s evidence is corroborated by a screenshot of an email from Mr Spencer confirming that he was the sole creator of both documents, and that the Applicant only had limited access to it, insofar as it was relevant to him as an athlete. That evidence was not contradicted by the Respondent.

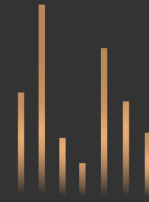


71. On that basis, the Tribunal finds that the Applicant did not have any involvement in any conduct in respect of the Opps Sheet Complaint which might give rise to a breach of the MPP or the Coaches' Code, and therefore no breach by the Applicant is established.
72. Although it is not necessary for the Tribunal to determine whether the creation of the Opps Sheet and/or the mock Opps Sheet that was provided to Mr Chancellor contravened the MPP or the Coaches' Code, if it were, in circumstances where:
- the Opps Sheet was created for a legitimate training, research and analytical purpose;
 - the mock Opps Sheet was created for a satirical and light-hearted purpose, in the context of a private social media exchange with Mr Chancellor;
 - Mr Chancellor chose to disseminate the content of the mock Opps Sheet to his close friends on social media, without reference to the creator of the document;
 - although Mr Chancellor stated in his email to the Complainant he did not think the keeping of records of athletes' opponents' weaknesses in a detailed spreadsheet and using potentially harmful words reflected the values of the sport of powerlifting, in his witness interview he described the mock Opps Sheet light-heartedly, saying that he *"had a bit of a laugh"* when he saw the document, that he *"[didn't] really care too much"* and it *"didn't really affect me personally"*,

the Tribunal would find that the creation of the Opps Sheet, and the creation and provision of the mock Opps Sheet to Mr Chancellor, did not contravene the MPP or the Coaches' Code.

Google Reviews Complaint

73. The Tribunal accepts that, in circumstances where the Applicant is wearing an APA international uniform (which is only supplied to APA officials) in his online profile picture, there is a risk that any publications by the Applicant may be construed by members of the public as being endorsed by, or affiliated with, APA.
74. This brings what might have been a private matter between two individuals into the remit of the APA's relevant policies, including any relevant rules arising under the Coaches' Code and the Constitution.
75. It seems readily apparent that the Google reviews in question were posted by the Applicant in circumstances where he had a falling out with the Complainant and no longer wished to support the Complainant's business, by way of the positive Google review that he had previously made. As the Applicant submits, he is entitled to exercise his rights as a consumer to publicly critique a business (whether positively or negatively) so long as the review is factual, non-defamatory and genuinely made. However, to the extent that a review is false, defamatory or malicious, the Applicant's conduct may be caught by the relevant APA policies, for the reason stated above.
76. The Tribunal accepts that the content of the reviews – to the effect that HPC was *"solid"*, *"ok"*, *"pricey"*, *"expensive"* and in a *"small space"*, and his positive comments on social media about other gymnasiums – objectively viewed, might have been factual and genuine.
77. What was not explained by the Applicant, however, was the inclusion of photographs of the Complainant which accompanied the Applicant's Google reviews. The Complainant described those photographs as *"derogatory photos of me personally, as part of an effort to discredit me"*



and my business". There is no apparent reason for the photographs (being close ups of the Complainant's face in what might objectively be described as less than flattering poses) to have been included with the Google reviews.

78. The Applicant also did not address the Respondent's submissions as to the Applicant's persistence in updating and reposting the Google reviews in response to the Complainant's attempts to remove them, potentially to give the impression that the reviews were factual and based on legitimate client experience.
79. These factors give some context to the way in which the Google reviews should be construed, and the motivations behind them.
80. In the absence of any explanation by the Applicant, the Tribunal considers that the Google reviews posted by the Applicant in relation to HPC were, at least in part, intended to ridicule and cause to distress the Complainant. The inclusion of the photographs of the Complainant, together with an unfavourable review, was neither courteous nor appropriate, and it did not contribute to a safe or harassment free environment within the APA community. In circumstances where the Applicant posted the reviews under a profile in which he was wearing an official APA uniform, the reviews were prejudicial to the interests of APA and the sport.
81. Accordingly, the Tribunal finds that the Applicant's conduct was in breach of:
 - a. the Coaches' Code¹⁵, which required that he:
 - i. *"display control and courtesy to all involved with powerlifting"*;
 - ii. *"adopt appropriate and responsible behaviour in all interactions"*;
 - iii. ensure that his *"decisions and actions contribute to safe environment"*;
 - iv. ensure that his *"decisions and actions contribute to a harassment free environment"*; and
 - b. clause 13 of the Constitution, which provides that all members submit to the APA's jurisdiction, procedures, penalties and appeal mechanism, whether under APA's policies of the Constitution, and enables the Respondent to refer conduct for disciplinary action where a member *"acted in a manner unbecoming of a member or prejudicial to the objects and interests of the APA or the sport, or both"*.¹⁶
82. There is insufficient evidence to determine that the Applicant's conduct *"prejudiced the APA or the sport or brought the APA or the sport or themselves into disrepute"* (as opposed to merely creating a risk of same).¹⁷

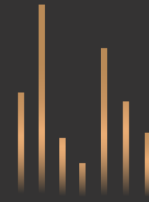
Registration and Insurance Coaching Complaint

83. It is common ground that, prior to receiving the Breach Notice, the Applicant did not hold a valid insurance policy.

¹⁵ Which is stated to provide guiding principles that lead to appropriate behaviour regardless of a person's involvement in powerlifting".

¹⁶ As contemplated by clause 13.2(c)(ii) of the Constitution.

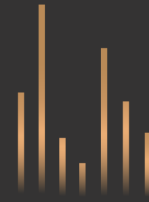
¹⁷ As contemplated by clause 13.2(c)(iii) of the Constitution.



84. To the extent that the Applicant was carrying out coaching activities within the remit of the APA, he was required by the Coaches' Code to maintain appropriate insurance and to provide a certificate of currency to the APA.
85. The Respondent confirmed by email on 8 August 2025, as well as in its reply submissions in this arbitration, that the Applicant has complied with the requirements of the Coaches' Code, by providing a certificate of currency for insurance as requested, albeit on 6 August 2025, after he was notified of the sanction imposed upon him by the Breach Notice.
86. Whilst the Breach Notice referred to a failure to hold a registered ABN as an additional circumstance of breach, it appears that there is no requirement under the APA's relevant policies that the Applicant hold a registered ABN. This seems to be conceded by the Respondent's submission referred to immediately above. In any event, the Applicant has, since 29 August 2025, obtained and held a registered ABN.
87. As such, the only issue for determination is whether the Applicant was, prior to the Breach Notice being issued, carrying out coaching activities without maintaining appropriate insurance and providing the APA with a certificate of currency. It seems that the Applicant concedes that, although he was not conducting a 'business', he was nonetheless carrying out coaching activities, at least in a volunteer capacity and was therefore subject to the Coaches' Code, which prescribes the relevant insurance requirement.
88. On the above basis, the Tribunal finds that prior to the Breach Notice being issued, the Applicant breached the Coaches' Code by failing to maintain insurance and provide a certificate of currency to the APA whilst carrying out coaching activities. This conduct also breached clauses 13(c)(ii) and (iii) of the Constitution.

SANCTION

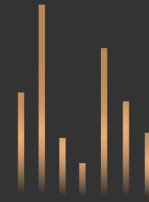
89. The breaches that have been established in this arbitration are:
 - a. a breach of the Coaches' Code and clause 13.2(c)(ii) of the Constitution, in respect of the Google Reviews Complaint;
 - b. a breach of the Coaches' Code and clauses 13(c)(ii) and (iii) of the Constitution, in respect of the Registration and Insurance Coaching Complaint.
90. Clause 8.4 of the CDDP set out a variety of factors which may be taken into account by APA when determining a sanction, as follows:
 - a. *the seriousness of the behaviour;*
 - b. *whether it was a one-off incident or part of an overall pattern of behaviour;*
 - c. *whether it was an honest and reasonable mistake;*
 - d. *the potential impact on public confidence in the integrity of the sport;*
 - e. *the potential impact of the proposed Sanction on the Respondent;*
 - f. *the views and opinion of the Complainant; and*
 - g. *any other relevant aggravating or mitigating factors*



91. Those factors (amongst others, consistent with the guiding principles in *Pateman and Barton v Racing Victoria* [2023] VCAT 490) have been taken into account in determining the appropriate sanction in this case.
92. Although the Applicant opposed the allegations against him and the sanctions the subject of the Breach Notice, that was an entirely reasonable position to take, in circumstances where most of the complaints were not established; and, moreover, he was not afforded an opportunity to respond to the complaint, prior to APA issuing the Breach Notice, despite the provisions of the CDDP¹⁸ and the Respondent's assurance that he would be afforded such an opportunity¹⁹. The Applicant was not afforded procedural fairness during the investigation, in circumstances where he was not given an opportunity to consider the particulars of the complaint made against him and provide a comprehensive response and/or participate in an interview with the investigator, prior to the delivery of the Breach Notice.
93. It is noted that the Applicant acknowledged, in his submission to the Respondent in response to the Breach Notice, that although he did not intend to cause harm, some of his statements or behaviours may have been interpreted as disrespectful by others and to that extent he offered his sincere and unreserved apology.
94. The established breaches are not trivial and it is appropriate that a sanction be imposed in order to serve the purpose of both specific and general deterrence. It is also important that any sanction be proportionate with the nature, extent and impact of the breaches.
95. The Tribunal takes into account the following mitigating factors:
 - a. the Applicant's young age;
 - b. the Applicant's relatively new involvement to the sport of powerlifting and coaching within the sport;
 - c. the Applicant's contribution to the sport in the capacity of a volunteer coach;
 - d. the fact that the Applicant has recently commenced to operate a coaching business, so that any suspension of his coaching privileges might have a financial impact on him (although this is given little weight given that there is no evidence as to whether the Applicant's coaching business is his sole source of income);
 - e. the fact that there is no relevant prior history of complaints or offences relating to his conduct in carrying out his various roles in the sport of powerlifting;
 - f. the nature and seriousness of the offending conduct is at the lower end of the scale;
 - g. in respect of the offence relating to failure to maintain insurance (which, it is worth noting, is of utmost importance in protecting athletes, coaches, members of the public and the sport):
 - i. the Applicant's non-compliance seems to have arisen from an honest and reasonable misunderstanding that he was not required to hold insurance if he was providing coaching services in a volunteer capacity (as opposed to operating a business);

¹⁸ Clause 7.5(b) of the CDDP.

¹⁹ See the Respondent's notice of investigation dated 4 July 2025.

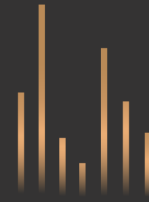


- ii. there was no evidence adduced by the Respondent that the Applicant had signed or acknowledged (or was otherwise aware of) the Coaches' Code, as is contemplated by the form of that document;
 - iii. upon the non-compliance being brought to his attention, it was promptly addressed;
 - iv. there is no evidence of any actual impact or harm being suffered as a consequence of the breach (although the *risk* that impact or harm could have occurred is serious and should not be understated);
 - v. the Applicant has already served a temporary period of suspension by way of the provisional action taken by the Respondent.
96. However, the Tribunal also considers the following factors to be relevant in determining the appropriate sanction:
- a. although the Applicant offered an apology in his initial submission to the Respondent, he demonstrated a limited level of contrition for his conduct by virtue of the way in which he approached his submissions, particularly in respect of the Google Reviews Complaint, and the manner in which he sought to justify his conduct by reference to the conduct of the Complainant;
 - b. the impact that the Complainant (and other witnesses, including HPC staff) described as the consequence of the Applicant's conduct in respect of the Google Reviews Complaint (although the Tribunal's reservations in that regard are noted above);
 - c. the Tribunal's finding that the conduct the subject of the Google Reviews Complaint was deliberate and intended to ridicule and cause distress to the Complainant;
 - d. the fact that the relevant Google reviews were publicised to the world at large;
 - e. the importance of the broader intent of the APA's policies, including to ensure that everyone involved in the sport of powerlifting is treated with respect and dignity and is protected from abuse, bullying, harassment, sexual misconduct, discrimination, victimisation and vilification;
 - f. the importance of ensuring that insurances are in place so as to protect members of the APA and participants in the sport.
97. In light of the Tribunal's findings in respect of each alleged breach, and taking into account the above factors and the sanctions imposed in other recent NST decisions involving online / social media publications²⁰ (although none are analogous to this matter), the sanctions imposed by the Respondent pursuant to the Breach Notice are not reasonable and proportionate and are adjusted, as set out below.

THE TRIBUNAL THEREFORE DETERMINES:

1. In respect of the conduct the subject of the Google Reviews Complaint:

²⁰ See for example *Peter Dorries v Australian Outrigger Canoe Racing Association* (NST-E23-118097, 30 August 2023); *Australian Karting Association v Member* (NST-E23-103431, 6 June 2023); *Applicant v Geelong & District Football Netball League and Netball Victoria (with Netball Australia)* (NST-E25-342729, 12 September 2025); *Neil and Equestrian Australia v Hanna* (NST-E20-258261, 5 November 2020).



- a. the Applicant's conduct was in breach of the Coaches' Code and the Constitution;
 - b. the Applicant is given a first and final warning, with any future breach of APA policy to result in immediate suspension of his ability to hold national or international coaching appointments, and/or his full membership with APA, for such period and on such terms as may be determined in the circumstances;
 - c. within 1 month of this determination, the Applicant is required to:
 - i. undertake education and/or refreshment of the following training modules:
 1. Play by the Rules – Harassment and Discrimination
 2. Play by the Rules - Inclusive Coaching;
 3. Sport Integrity Australia – Community Coaching Essentials,and provide a certificate of completion to APA;
 - ii. review and submit to the APA written acknowledgement of the following documents:
 1. APA Coaches Code of Behaviour and Consent;
 2. APA Member Protection Policy;
 3. eSafety Commissioner resource: Recognising Online Abuse in Sport.
2. In respect of the conduct the subject of the Registration and Insurance Coaching Complaint:
- a. the Applicant's conduct, by failing to maintain insurance and provide a certificate of currency to APA, was in breach of the Coaches' Code and the Constitution;
 - b. the period of provisional suspension of the Applicant's coaching privileges (from 7 July 2025 to 8 August 2025 (1 month) be the sanction imposed in respect of this breach, with that period of suspension already having been served;
 - c. within 1 month of this determination, the Applicant is required to review and submit to the APA written acknowledgement of the APA Coaches Code of Behaviour and Consent, including specifically as to the insurance requirements.

Date: 6 January 2026



Member Jon Erbacher