Case Number: NST-E26-599

Case Title: Member v [Regional] Campdrafting Association (with National Campdraft Council of Australia)

Determination

National Sports Tribunal

General Division

sitting in the following composition:

Panel Member: Greg Laughton SC

in the arbitration between

Member *Applicant*

Represented by [redacted], Legal Representative

And

[Regional] Campdrafting Association *Respondent*

Represented by [redacted], Secretary and Ian Fullagar, Legal Representative

And

National Campdraft Council of Australia *National Sporting Organisation*

Represented by Ron Berkeley, President

INTRODUCTION

1. The Applicant, [redacted] (the **Applicant**), is a Campdrafting athlete and a member of the Respondent.

2. The Respondent, [Regional] Campdrafting Association (the **Respondent**) is an incorporated association which conducts Campdrafting events in Australia.

3. The Respondent is affiliated with the National Campdraft Council of Australia (**NCCA**), the National Sporting Organisation for the sport of Campdrafting in Australia.

4. As such the Respondent is a member of NCCA and is bound by the NCCA Rules of Campdrafting (the **NCCA Rules**).

5. NCCA represents the four major national Campdrafting Associations of which the Respondent is one.

6. The NCCA Rules comprise a series of rules, policies and guidelines, including the NCCA Disciplinary By-Law each directed to the efficient; consistent and fair operation of events conducted by the National Campdrafting Associations.

7. Important is the NCCA Disciplinary By-Law, which provides in its entirety:

> *"1. This By-Law recognises that discipline will predominately be dealt with by the member bodies' own individual internal processes.*
>
> *2. The By-Law recognises that the outcome of a member bodies disciplinary process including horse, member or committee suspension will be upheld and enforced by all other member bodies.*
>
> *3. Should a disciplinary matter either in the first instance or via appeal reach the NCCA Limited, than (sic) the appropriate NIF (National Integrity Framework) policies will guide the process by which members; horses or committees are dealt with as reference within these NIF policies the NCC under the powers of this By-Law may create a disciplinary appeals body to adjudicate or refer the matter to Sports Integrity Australia"*

8. The interest of NCCA in its role as the Campdraft national sporting organisation in this arbitration is to ensure that its Disciplinary By-Law is complied with.

THE DECISION APPEALED FROM

9. This arbitration arises from disciplinary action taken by the Respondent against the Applicant, and is in the nature of an appeal from the decision taken by the Disciplinary Sub-Committee of the Respondent to:

   (a) suspend the Applicant's membership of the Respondent for one year from 11 March 2026 (with the consequence that the Applicant cannot compete in Campdrafting events during the suspension period);

   (b) impose a further probationary period of one year following completion by the Applicant of the suspension imposed; and

   (c) recommend that the Applicant complete a behavioural training course.

JURISDICTION AND APPLICABLE RULES

10. The Respondent's General Information Competition Rules and Guidelines (the **Rules**) incorporate the NCCA Rules. In addition, the Respondent has adopted the Model Rules for an Incorporated Association (the **Model Rules**).

11. The Rules and Model Rules incorporate the:

    (a) The Respondent Child Safe Policy;

    (b) Code of Conduct – Child Protection; and

    (c) The Respondent Members Protection Policy, which contains the Respondent's Code of Conduct for Competitors, which, relevantly, provides:

    "Campdrafting is a family sport grounded in fair and friendly competition in sense with this in mind, members and competitors should always act with integrity and sportsmanship and show curtesy when competing and interacting with organising committees, other members and volunteers"

    …

    "MEMBERS AND COMPETITORS MUST COMPLY WITH RULES as set out in the 'Model Rules for an Incorporated Association … and the Rules set out in the [Respondent] 'General Information Competition Rules and Guidelines (incorporating the Rules of the National Campdraft Council of Australia)".

12. The jurisdiction of the National Sports Tribunal (the **NST**) is engaged by section 24(1)(b)(ii) of the *National Sports Tribunal Act 2019* (the **NST Act**) and by the mutual agreement of all Parties, which was provided to the NST in writing.

13. An agreement has been reached between the Applicant, the Respondent and NCCA with the terms set out in an arbitration agreement (the **Arbitration Agreement**), which submits to the General Division of the NST.

14. The Arbitration Agreement relevantly provides:

    *"**2. The NST's jurisdiction to deal with the dispute***

    *2.1 The jurisdiction of the NST is engaged by section 24(1)(b)(ii) of the National Sports Tribunal Act 2019 (Cth) (the **NST Act**) and by the mutual agreement of all Parties, provided to the NST in writing.*

    2.2 The Parties agree that, subject to clause 9.19, the NST's jurisdiction is engaged until resolution of the dispute.

    …

    4. Description of dispute

    *4.1 On 20 February and 3, 5 March 2026, the [Respondent] Disciplinary Sub-Committee (the **Committee**) conducted a hearing of complaints against the Applicant.*

    *4.2 On 11 March 2026, the Committee issued a Determination to the Applicant (the **Determination**).*

4.3 The Determination states that the Applicant's conduct constituted breaches of:

4.3.1 [The Respondent's] Member Protection Policy (MPP) – Sport Integrity Australia/National Integrity Framework Member Protection Policy;

4.3.2 [The Respondent's] 's Safeguarding Children and Young People Policy (SCYPP) – Sport Integrity Australia/National Integrity Framework Safeguarding of Children and Young People Policy;

4.3.3 Conduct that prejudices the [Respondent]; and

*4.3.4 Conduct that is unbecoming of a member of the [Respondent] (the **Findings**).*

4.4 The Determination listed the sanctions to be imposed on the Applicant as follows:

4.4.1 suspension of [Respondent] membership for a period of one (1) year, effective from 11 March 2026;

4.4.2 a further probationary period of one (1) year following completion of the suspension; and

*4.4.3 a recommendation for the Applicant to complete a behavioural training course (the **Sanction**).*

*4.5 Pursuant to clause 23 of the Model Rules for an Incorporated Association [redacted] (the **Model Rules**) (**Annexure A**), the Applicant appealed the Determination (the **Appeal**).*

4.6 On 10 April 2026, [the Respondent] lodged an application referring the Appeal to the NST.

4.7 On 18 April 2026, the NCCA agreed to the refer the Appeal to the NST.

4.8 On 23 April 2026, the Applicant provided their agreement in writing to the NST's jurisdiction to hear the Appeal.

4.9 On 6 May 2026, the Application was validated.

4.10 On 19 May 2026, the Parties attended the NST Preliminary Conference.

5. Outcomes sought by the Parties

5.1 The Parties agree that the NST is engaged to facilitate the appeal process set out in clauses 23 and 24 of the Model Rules.

5.2 Under clause 24(2) of the Model Rules, the arbitration for the NST Member to determine is "whether the [Sanction] should be upheld or revoked".

5.3 The Parties agree to substitute (or amend) certain provisions of clauses 23 and 24 of the Model Rules, including but not limited to the following terms (or as otherwise agreed by the parties):

5.3.1 Clause 23(3) of the Model Rules (and any subsequent reference to this clause) is amended in that a single NST Member will be appointed to determine the appeal, rather than an appeal subcommittee of 3 persons; and

5.3.2 Clause 23(6) of the Model Rules is amended in that the parties agree to a revised procedural timeline for filing submissions, as set out in the Procedural Timetable contained in clause 7 of this Arbitration Agreement.

*5.4 Under the National Sports Tribunal (Practice & Procedure) Determination 2024 (the **NST Practice and Procedure Determination**), the NST Member may convene a Pre-Hearing Conference or direct the Parties to file further submissions, to determine any interim issues that may arise, including in regard to the procedure for the arbitration.*

6. Proposed evidence to be presented and witnesses to be called by the Parties

6.1 The Parties are to lodge:

6.1.1 written submissions, plus relevant evidence and any witness statement(s), including, but not limited to, any documentation already exchanged by the Parties; and

6.1.2 where relevant, give notice of any witnesses to be called,

in accordance with the procedural timetable below agreed by the Parties.

…

9. Terms of the Arbitration

Applicable law

9.1 The Arbitration will be conducted, where appropriate, in accordance with the Model Rules.

*9.2 The Arbitration will be governed by the NST Act, the NST Rule, and the NST Practice and Procedure Determination (the **NST Legislation**).*

9.3 If there is an inconsistency between the Model Rules and anything in the NST Legislation then, unless agreed otherwise by the Parties, the Model Rules will prevail to the extent of the inconsistency.

9.4 The laws of [redacted] will be applicable to the merits of the Arbitration.

…

Confidentiality

9.15 The Parties agree to the confidentiality of the proceedings.

9.16 The Parties note the NST's determination will be published in accordance with sections 56 and 57 of the NST Practice and Procedure Determination."

15. Rules 23 and 24 of the Model Rules apply to the resolution of appeals from decisions of the disciplinary body and relevantly provide:

"***23 Appeal rights***

(1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that the person wishes to appeal against the suspension or expulsion.

(2) The notice must be in writing and given—

(a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or

(b) to the Secretary not later than 7 days after the vote.

(3) If a person has given notice under subrule (2), the Committee must appoint at least 3 persons to an appeal subcommittee to consider the appeal.

(4) Subject to subrule (5), the Committee may appoint any person to an appeal subcommittee.

(5) A person must not be appointed to an appeal subcommittee if the person—

(a) was appointed to the disciplinary subcommittee to hear and determine the matter of the member concerned; or

(b) has a personal interest in the dispute; or

(c) is biased in favour of or against the member concerned.

(6) The committee must convene a meeting of the appeal subcommittee (the disciplinary appeal meeting) as soon as practicable and no later than 21 days after the notice of the appeal is received.

(7) Notice of the disciplinary appeal meeting must be given to each member of the appeal subcommittee and the member concerned as soon as practicable and must—

(a) specify the date, time and place of the meeting; and

(b) state—

(i) the name of the person against whom the disciplinary action has been taken; and

(ii) the grounds for taking that action; and

(iii) that at the disciplinary appeal meeting the appeal subcommittee members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

24 Conduct of disciplinary appeal meeting

(1) At a disciplinary appeal meeting –

(a) no business other than the question of the appeal may be conducted; and

(b) the appeal subcommittee must state the grounds for suspending or expelling the member and the reasons for taking that action; and

(c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

(2) After complying with subrule (1), members of the appeal subcommittee present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

(3) A member may not vote by proxy at the meeting.

(4) The decision is upheld if a majority of the persons voting at the meeting vote in favour of the decision."

16. The parties have agreed to vary the Model Rules, as noted in clause 5.3 of the Arbitration Agreement, as to the form of the Arbitration.

17. I have been appointed by the NST CEO as Arbitrator to conduct the hearing of the appeal in accordance with the Model Rules and in any other form that the parties agree upon.

18. For the purposes of hearing this appeal I have been provided with the documents identified in Schedule A to these Reasons.

PRELIMINARY

19. The care and attention to detail taken by the Respondent's Disciplinary Sub-Committee (the **Disciplinary Sub-Committee**) and its support person, demonstrated by the record of the proceedings before the Disciplinary Sub-Committee is commendable and most impressive. The record is exemplary for its clarity and its order.

20. Both the Respondent and NCCA are voluntary organisations and Campdrafting is an amateur sport. A great deal of time has been spent by the people involved in the process of hearing, recording and ultimately determining the outcome of proceedings before the Disciplinary Sub-Committee.

21. There is no power that I can see in the Model Rules to remit the matter to the Disciplinary Sub-Committee for further hearing. The Applicant has served his suspension from 11 March 2026. The suspension expires on 11 March 2027.

22. Clause 6 of the Arbitration Agreement contemplates that further evidence, both written and oral, may be called on appeal.

THE FORM OF THE APPEAL

23. The form of the appeal is, as modified by clause 5.3 of the Arbitration Agreement, set forth in Rule 24 of the Model Rules.

24. The parties have been unable to agree upon the form of the Appeal. In my view, the fairest way to determine the Appeal is by a hearing *de novo.* It is to be determined on the balance of probabilities.

    (a) the parties are at issue, on all aspects of the factual findings made by the Disciplinary Sub-Committee;

    (b) the Applicant contends that the sanction imposed by the Disciplinary Sub-Committee is, in the event I find that the Applicant was in breach of his obligation under the various rules, more particularly identified below under the Respondent's Member Protection Policy; Safeguarding Children and Young People Policy and conduct that prejudices the Respondent.

(c) the Applicant contends that the sanction imposed upon him was disproportionate to that imposed upon Person 1 and questions the need for a sanction at all, even if I found the complaints established.

(d) the breadth of the grounds upon which the Applicant appeals, is so wide, as in my view, to require a hearing de novo, rather than attempting to deal with particular aspects of the complaint about the ultimate outcome.

(e) the appeal is to be determined on the balance of probabilities, as with the hearing before the Disciplinary Sub-Committee.

25. Both parties have been offered by me the opportunity of an oral hearing by audio-visual link, and each has declined. Accordingly, this matter is to be determined on the documentary material supplied by the parties including the recordings of the proceedings before the Disciplinary Sub-Committee.[1]

THE ALLEGATIONS MADE AGAINST THE APPLICANT

26. The allegations were made against the Applicant by:

(a) The First Complainant in a written complaint dated [redacted] at 4:59pm; and

(b) The Second Complainant in a written complaint dated [redacted] at 10:40am, and were contained in summary form, in a Notice of Proposed Disciplinary Action under Rule 21 of the Model Rules (the **Notice**).

BACKGROUND

27. On [redacted], the Respondent conducted a Campdrafting event at the Campdraft Ground in the [redacted] (the **Grounds**).

28. Participants camped at the Grounds in various outdoor camping facilities.

29. The First Complainant was asleep in her horse float with her child sleeping in a swag nearby. The Second Complainant was asleep in her "*van*" with her [child].

30. The events which occurred overlapped with the involvement of Person 1, who has been the subject of a separate disciplinary action by the Respondent, with a subsequent suspension from Respondent events.

31. The alleged involvement of the Applicant, in my view, needs to be considered in the context of the events involving Person 1 that preceded it.

32. Apparently, following the Campdrafting events of [redacted], participants and others gathered at a bar on the grounds of the [redacted].

33. At some point, both the First and Second Complainant left the bar and went to sleep in their respective quarters.

[1] Per section 52 of the *National Sports Tribunal (Practice and Procedure) Determination 2024*.

34. At about 2:10am the Second Complainant was asleep in her van. She was woken by knocking on her van, at the end of the van where her bed was. She opened the door and checked outside, but could see no one. She checked on her horses by looking out her window and saw nothing untoward. She returned to bed feeling concerned and confused.

35. The tapping recommenced in the same place, on her van. She again left her bed and locked the door. She also turned the outside lights on, but left the inside lights of the van off. She was by this time scared and woke her [child] , who was also sleeping in the van.

36. She looked out her window of the van and in the lights outside saw the Applicant. She became more fearful.

37. She heard two male voices outside. She telephoned her sister who was camped nearby and her sister's husband exited their van. The male voices stopped.

38. Her sister's husband walked around her van and saw nothing. He then left.

39. She was left frightened, and frightened and concerned for her [child] .

40. About 2:30am, the First Complainant woke to find Person 1 in her van. She said, he physically but not sexually assaulted her, at least twice and then left, but indicated that he would return in half an hour.

41. Her description of the involvement of Person 1 is more detailed than that, but for the present purposes, it is sufficient, in my view. At that point, the First Complainant was, not unnaturally, frightened; and shaky, in addition to being concerned for the safety of her child.

42. She turned on the exterior light of her horse float and remained inside.

43. Against that background, and with the First Complainant in a vulnerable state, the First Complainant alleged that shortly after Person 1 left, the Applicant attempted to open the door of her horse float, where she was then inside. The First Complainant feared of further assault, and knowing that her child was asleep nearby, she flung open the door of her horse float, kicked the Applicant in chest and yelled at him to leave, which she did on more than one occasion. He eventually left.

44. The First Complainant's narrative does not suggest that the Applicant entered her horse float, nor does it suggest that he touched her in any way, unlike Person 1.

THE APPLICANT'S RESPONSE

45. The Applicant's response to the Notice is contained in a letter to the Respondent dated [redacted].

46. In essence, he said that he was in the bar, when Person 2 and Person 3's horses were loose wandering around the trucks and caravans.

47. He said, *"a few people, including Person 2 and Person 3, [the Second Complainant], Person 4, [the First Complainant], [Person 1] and myself went to secure the horses"*.

48. He gave no time as to when the events he described occurred.

49. He placed the First and Second Complainant's out of their vans at that point.

50. He said further:

> *"after securing the horses, I went to the toilet. When I returned, [Person 1] was no longer in the area, so I started looking for him, for approximately 10 minutes. I went to a horse float because I believed [Person 1] might have been there. I did not go to enter, interfere with property, or cause any harm, and I did not at any time enter the float. When told to leave, I left promptly"*.

51. Surprisingly, he did not identify whose float he went to; how he came to know whose float to go to; nor by whom he was told to leave. He makes no reference to being kicked in the chest by the First Complainant, nor does he deny it, despite it being included in the synopsis of the complaint, in the Notice.

52. He denied tapping on the Second Complainant's 's van, and makes no reference to the presence of a child or children in the vicinity, despite that allegation also being contained in the synopsis of events in the Notice.

53. Importantly, he does not deny any verbal interaction with the First Complainant. He simply makes no reference to it.

54. He expresses regret at drinking alcohol at a family based event; and a willingness to undergo integrity, member protection and safeguard training if theRespondent considers it appropriate.

55. Generally, the Applicant's response fails to engage with critical aspects of the synopsis of events contained in the Notice.

56. In effect, his response:

(a) places him in the vicinity;

(b) at least inferentially in an intoxicated state;

(c) is entirely inconsistent with the assertions made by, particularly, the First Complainant, that she was inside her horse float; and

(d) fails to identify whose horse float, or at least how he knew whose horse float he was to approach in order to find Person 1, that produced the interaction with the First Complainant.

57. It is difficult to accept, in my view, the failure to engage in critical aspects of, particularly, the First Complainant's 's evidence. It might be an element of the level of his intoxication. If that were the case, his letter of response was written on [redacted], barely one month after the events giving rise to the complaint occurring. So, a reduced recollection caused by an effluxion of time, in my view, is unlikely.

58. If it be a measure of his intoxication, then it makes his evidence unreliable. Whatever the reason, the Applicant's failure to engage in the critical aspects of the evidence that I have identified, in my view, renders his evidence not only unreliable, but also implausible.

59. He attended the hearing, and was asked questions by the Disciplinary Sub-Committee. He did not seek to expand upon his letter of [redacted].

60. He made a call to Person 1 at 2.17am. It has to be accepted that this is consistent with his assertion that he was attempting to locate him.

61. However, it does not explain the failure to engage in the specifics of the allegations of the First Complainant.

62. Similarly, it does not explain how it is that he was able to be identified by the external light of the Second Complainants' van. That placed him within extremely close proximity to the van, at the time the Second Complainant identified him, having regard to the fact that he was wearing a "*hoodie*" with the hood up.

63. He accepts that he was in the vicinity.

64. If the First Complainant's horse float was the object of his enquiry as to where Person 1 was, then placing himself adjacent to the Second Complainant's van would be inconsistent with that enquiry.

65. It is accepted that the vans may have been close together. However, it is not explained how he could have been identified in the dark by the Second Complainant without being in close proximity to her van, so that the throw of the light from the Second Complainant's 's van illuminated his face under the hoodie.

THE EVIDENCE OF WITNESS 1

66. The evidence of Witness 1 is contained in a text dated [redacted] at 7:33pm[2]. Witness 1's evidence describes the aftermath of the events complained of by the First Complainant. Her description of the First Complainant when the First Complainant went to Witness 1's van was of her crying, in shock, and distraught[3].

67. Witness 1 also described the state of her [child] who saw and heard through the zipper of their swag, the events described by the First and Second Complainant as crying on seeing the First Complainant distraught. Her other [child] who was asleep with her at the time was also affected, hearing the events, and seeing the First Complainant upset in turn and seeing her [sibling] upset with Witness 1 comforting the First Complainant. Witness 1's's [child] who was in [their] swag texted Witness 1 that men were "*hanging around*" the First Complaint's 's float outside, which was scaring her [child].

68. Witness 1 said that from 2:30am until 4:30am she was consoling her [child]. She describes the First Complainant as having sat crying for the rest of the night.

THE APPLICANT

69. The Applicant has participated in the sport of Campdrafting for over [redacted] years. [redacted]. I accept that there is no evidence of any prior disciplinary or criminal history or previous conduct issue involving the Applicant, and the Respondent.

[2] Court Book page 121.
[3] Court Book page 121.

70. The Applicant accepts that he consumed alcohol, and in hindsight, his presence in the camping area late at night, particularly near the First Complainant's float was inappropriate and was likely to have caused distress.

71. There is little doubt that his conduct involved poor judgment, induced by the consumption of alcohol.

72. Because of the proximity of the campers each to the other, including the, apparently, at least one [redacted] minor sleeping in a swag, outside a camper, the nature and extent of the distress caused by the presence of the Applicant in the camping area, in my view, cannot be underestimated.

73. There can be no doubt, that the Applicant's presence, generally in the area, was an aggravating factor to the incident between the First Complainant and Person 1, which preceded the Applicant's presence in the vicinity of the First Complainant's float.

74. His intention may have been to deescalate matters and locate Person 1, but the combination of Person 1's conduct and the Applicant's presence in the aftermath of that conduct was of little assistance and had the effect of escalating the situation to the level that aggravated the harm already done to the people within the sight and hearing of the events surrounding Person 1's presence in the area.

75. While his intentions may have been good, if he were capable of forming those good intentions, his lack of judgment as a consequence of his impairment by the consumption of alcohol, did nothing but aggravate what was already an extremely bad situation.

COMPLAINT OF THE FIRST COMPLAINANT

76. I have expressed my reservations about the evidence of the Applicant above.

77. Particularly, his recollection of detail, and his assertion that he left immediately, which is inconsistent with the evidence of the First Complainant must be open to question.

78. Further, his denial of the complaint of tapping on the Second Complainant's van must be looked at through the prism of:

    (a) judgment impaired by alcohol;

    (b) the Second Complainant's observations of his presence in the throw of the lights of her van;

    (c) the apparent absence of anyone else in the throw of the light; and

    (d) the Applicant's known presence in the vicinity.

COMPLAINT OF THE SECOND COMPLAINANT

79. It is not known whether it was necessary for someone to pass the Second Complainant's van in order to reach the First Complainant's float, but the observation evidence of the Second Complainant, which was unshaken, placed the Applicant outside her van, in my view supports a

finding on the balance of probabilities that it was the Applicant tapping on the Second Complainant's van, and I so find.

PROPORTIONALITY

80. The Applicant submits that the penalty imposed on the Applicant was "*harsh, disproportionate and not properly supported by the evidence or reasons*". Further, he says that the penalty "*does not fairly distinguish between*:"

    (a) The highly serious conduct alleged and apparently accepted in relation to Person 1; and

    (b) The much more limited conduct found against the Applicant.

81. In my view, that submission is a manifestation of the Applicant's failure to come to grips with the extent that his conduct aggravated an already difficult situation.

82. Particularly, it fails to acknowledge the presence of children in the immediate vicinity, and particularly, the [child] of Witness 1 who apparently saw much of the events through the zipper of [their] swag.

83. In my opinion, there seems to be a continuing failure of the Applicant to understand the nature and extent of his conduct, on its own, caused by his mere presence in the camp area.

84. That is not to ignore the fact that he went to the area for the principal purpose of rounding up the escaped horses of Person 3. This was early in the morning, approximately 2am. He must have known that there were children sleeping in the vicinity, and he must have known that there were adults sleeping in the vicinity as well.

~~85.~~ It is all very well and good with the benefit of hindsight to call it an "*impairment of judgment caused by alcohol*", but in my view, on the face of the material his acknowledgement of poor judgment rings hollow, if for no other reason than it fails to acknowledge the seriousness of the consequences of his conduct, even accepting that it was an aggravating factor, following upon the more serious misconduct of Person 1.

86. Person 1's sanction comprised:

    (a) suspension of membership for 2 years; and

    (b) further probationary period of 2 years[4];

87. Importantly, the Disciplinary Sub-Committee determined that for Person 1 "*a greater sanction was considered appropriate in all the circumstances*".

88. In determining the sanction against the Applicant, the Disciplinary Sub-Committee considered:

    (a) the seriousness of the conduct found proven against each of the Applicant and Person 1;

    (b) the impact on the complainants and children affected;

    (c) the need for the sanction to be fair and proportionate to the conduct established;

[4] Court Book page 198.

(d) the need to maintain the integrity, safety and behaviour standard expected within [the Respondent's organisation];

(e) specifically to the Applicant "*the conduct was serious and warrants suspension*"; and

(f) the conduct found proven against [the Applicant] warranted a lesser sanction than that imposed on the Person 1, having regard to the Panel's findings and the relative seriousness of the conduct established.

89. I accept that minds may differ on the proportionality of the respective penalties imposed.

90. That said, in my view, I need to have regard to the consideration of and, as I have described above, the exemplary process that was undertaken by the members of the Disciplinary Sub-Committee, in coming to its conclusion.

91. True it is, that there are reasons that can best be described as in summary form, but nevertheless, the document titled "Sanctioning Reasoning Note"[5] is sufficiently detailed to give insight into the thought processes that the Disciplinary Sub-Committee went through.

THE PROCESS

92. There is no complaint made in the submissions of the Applicant, concerning the process that was followed by the Disciplinary Sub-Committee, save that the Disciplinary Sub-Committee did not provide reasons.

93. The sanction reasoning[6], albeit in summary form, gives in my view, sufficient insight into the Disciplinary Sub-Committee's reasoning to satisfy if there be one, the requirement to give reasons.

94. The Disciplinary Sub-Committee considered that the sanctions should be:

(a) "*consistent in principle*";

(b) "*proportionate to each Respondent's conduct*"; and

(c) "*determined individually, rather than imposed by association with another Respondent*".

95. The Disciplinary Sub-Committee did not impose different sanctions arbitrarily, but as a result of separately considering each Respondent's conduct and what sanctions were appropriate in each case.

96. That descriptor of the reasoning was in my view sufficient, particularly when the Disciplinary Sub-Committee identified what they considered and the factors that they took into account when imposing the sanction for each of the Applicant and Person 1.

97. The sanction reasoning note was then supplemented by a statement of Person 5, the Chair of the Disciplinary Sub-Committee dated 25 June 2026.

98. Particularly, Person 5 gave evidence that:

[5] Court Book, page 197-198.
[6] Court Book, page 197-198.

(a) "*the panel approached the matter with an open mind and did not make any assumptions about the outcome before hearing and considering the evidence. The [Applicant] was provided with notice of the allegations, opportunities to provide written responses, and opportunities to attend and participate in the hearings*".

(b) the Applicant participated in the process, provided written submissions and attended the hearings. The Disciplinary Sub-Committee considered all material provided by the Applicant before reaching its findings;

(c) the Disciplinary Sub-Committee carefully considered the evidence with the complainants, witnesses and the Applicant. The Disciplinary Sub-Committee considered the reliability of the evidence, whether it was supported by other evidence, whether it was consistent and whether it made sense in the circumstances;

(d) importantly, each complaint was considered separately on its own facts and evidence. The complaints involving Person 1were also considered separately and were not a factor in the panel's consideration of the complaints against the Applicant;

(e) the Disciplinary Sub-Committee did not assume that because one allegation was established, another allegation was also established. Each complaint was assessed independently before findings were made;

(f) the Disciplinary Sub-Committee did not find every allegation proven. Where the evidence did not support a particular allegation, the Disciplinary Sub-Committee did not make a finding in relation to complaint.

99. Person 5 deals specifically with the allegation of the Applicant that the allegations raised or the complaints were expanded in the submissions and refers to additional questions that were put to the Applicant during the further hearing held on 5 March 2026. In his statement he submits:

> *"Those questions arose following evidence provided by witnesses at the further hearing on 3 March 2026. The purpose of those questions was not to raise new allegations or expand the complaints. Rather, they were asked to assist the Disciplinary Sub-Committee in understanding the sequence of events, the timing of events and the whereabout of individuals during the night where witness accounts differed.*
>
> *The Disciplinary Sub-Committee considered it necessary to clarify those matters so that it could properly assess the evidence before it. The responses provided for the Applicant were considered together with all the other evidence. The Disciplinary Sub-Committee gave appropriate weight to those responses when determining the fact.*
>
> *In reaching its decision, the Disciplinary Sub-Committee also considered the Applicant's explanations and submissions. Where the Applicant's account differed from other evidence, the Disciplinary Sub-Committee considered all of the material before it and preferred the evidence found to be more reliable and consistent."*

100. The Disciplinary Sub-Committee understood the seriousness of making findings against a member and imposing the sanction. For that reason, considerable time was spent reviewing the evidence, discussing the complaints and considering the appropriate outcome.

DID THE DISCIPLINARY SUB-COMMITTEE HAVE THE POWER TO IMPOSE A ONE YEAR PERIOD OF PROBATION ON THE APPLICANT

101. Rule 23 of the Model Rules sets out the appeal rights of a member, consequent upon a decision of the Disciplinary Sub-Committee being made. Rule 24 establishes the conduct of disciplinary appeal meetings.

102. Rule 24, as noted above, has been modified by the Arbitration Agreement. Rule 24 as modified by the Arbitration Agreement does not give power to the Disciplinary Sub-Committee to impose a probationary period.

103. Rule 22(2) of the Model Rules provides a Disciplinary Sub-Committee with discretion to:

    (a) take no further action;

    (b) reprimand the member;

    (c) suspend the member's membership rights for a specified period; or

    (d) expel the member.

104. The Model Rules contain no power to impose a period of probation on a member as a sanction.

105. [The Respondent] asserts that the probationary period imposed upon the Applicant, is a conditional suspension, and that it was available to the Respondent on a proper construction of Rule 22(2) in its submissions. The Respondent describes that as a "*suspended suspension*".

106. The difficulty that I have with that proposition is:

    (a) there is no reference to a probation period being available; and

    (b) Rule 22 does not provide for what is to occur in the event that while the "*probation*" or "*suspended probation*" is in force, and the member is found to have breached the rules of the Respondent.

107. Does it mean that the "*probation*" or "*suspended suspension*" comes to an end and the matter is referred back to the Disciplinary Sub-Committee for further consideration? Or does it mean that the probation turns into a suspension of membership rights? Or something else.

108. The clear purpose of the Model Rules is to provide certainty, at all levels of the operation of the disciplinary process of incorporated associations.

109. The uncertainty created by a probation period or "*suspended suspension*", in my view, makes it unlikely that the draftsperson of the Model Rules intended that there be a sanction in the nature of a "*probation*" or a "*suspended suspension*".

110. In my view, on the face of Rule 22(2), there was no power in the Disciplinary Sub-Committee to impose a probation period.

111. Accordingly, in my view, the imposition of a probationary period of 12 months was beyond the power of the Disciplinary Sub-Committee.

THE ULTIMATE FINDINGS OF THE DISCIPLINARY SUB-COMMITTEE

112. The ultimate findings of the Disciplinary Sub-Committee were, in relation to each of the complainants, that the Applicant's conduct constituted:

(a) a breach of the Respondent's Member Protection Policy (**MPP**) – Sport Integrity Australia – National Integrity Framework Member Protection Policy;

(b) a breach of the Respondent's Safeguarding Children and Young People Policy (**SCYPP**) – Sport Integrity Australia – National Integrity Framework Safeguarding of Children and Young People Policy;

(c) conduct that prejudices the Respondent; and

(d) conduct that is unbecoming of a member of the Respondent.

RULE 19 OF THE MODEL RULES

113. Rule 19 sets out the grounds for taking disciplinary action and includes that:

> "*the Association may take disciplinary action against a member in accordance with this Division if it is determined that a member –*
>
> *(a) has failed to comply with these Rules; or*
>
> *(b) refuses to support the purposes of the Association;*
>
> *(c) has engaged in conduct prejudicial to the Association.*"

THE ALLEGATION OF A BREACH OF THE RESPONDENT'S MEMBER PROTECTION POLICY (MPP)

114. Relevantly, the MPP provides:

> *"1. Policy*
>
> *National Campdraft Council of Australia (NCCA) is committed to ensuring that everyone involved with Campdrafting is treated with respect and dignity and is protected from Abuse, Bullying, Harassment, Sexual Misconduct, Discrimination, Victimisation and Vilification.*
>
> *This Policy seeks to ensure that everyone involved in our Campdrafting is aware of their rights and responsibilities and sets out the standards of behaviour expected of those involved in our Campdrafting and the behaviours that are not acceptable (Prohibited Conduct).*
>
> *….*
>
> *2. Definitions*
>
> *…*
>
> ***Prohibited Conduct** is defined as the conduct proscribed at Clause 4 of the Policy."*

115. Clause 4 sets out the conduct prohibited by the Policy and includes "(b) *Bullying*; (c) *Harassment*" …and (f) *Victimisation*".

116. In Appendix A of the MPP there are examples of each. "*Bullying*", includes harassing someone, based on a Protected Characteristic such as age or sex, or taking advantage of any power over someone else.

117. The presence of the Applicant adjacent to the van of the First Complainant and being in the vicinity of her [child] being "*slow"* to leave, on her evidence, having been asked repeatedly to leave, is, in my view, sufficient to constitute bullying. Similarly, knocking on the van of the Second Complainant, repeatedly, knowing that she either was or likely to be inside her van, and generally causing a disturbance is in my view bullying.

118. Harassment includes intentionally stalking someone. Stalking has a wide meaning, and remaining in the presence of the First Complainant, and tapping on the van of the Second Complainant, in my view falls within that definition.

119. Similarly, the knocking on the van of the Second Complainant falls squarely within harassment.

120. Again, as to victimisation, similarly both failing to leave immediately when asked to by the First Complainant; and knocking on the van of the Second Complainant falls squarely within the definition of victimisation.

SAFEGUARDING CHILDREN AND YOUNG PEOPLE POLICY

121. Relevantly, the SCYPP provides:

    (a) "*Campdrafting has a zero – tolerance policy to, harm, abuse and or neglect of a Child/Young People in any form*";

    (b) all Children/Young People have the right to feel safe and protected from all forms of abuse, harm and neglect;

    (c) Children/Young People have the right to take part in a safe, positive, and enjoyable environment; and

    (d) NCCA is committed to safeguarding and promoting the welfare of Children/Young People in Campdrafting by providing a safe and inclusive environment and by ensuring that everyone involved in Campdrafting is aware of their rights and responsibilities in response to Children/Young People.

122. Relevant Persons, which is defined in the SCYPP to include "*[i]ndividual members*", should:

    (a) comply with all obligations that they are subjected to under relevant state/territory Child Protection Legislation;

    (b) comply with all legislative obligations that they are subject to in relation to reporting of suspected child abuse or holding a WWCC;

    (c) report any concerns or allegations of prohibited conduct involving any relevant person or relevant organisation; and

    (d) provide true and accurate information during recruitment and screening processes.

123. "Prohibited conduct" under the SCYPP includes:

> *"… (b) either alone or in conjunction with another or others, engage in any of the following conduct, either in-person, online or via any other form of telecommunication, against, or in relation to, a Child/Young Person in the circumstances outlined in clause 3.2:*
>
> *i. Harmful Behaviours Towards a Child/Young Person… ."*

124. Clause 3.2 of the SCYPP provides:

> (a) *"All Relevant Persons to which this Policy applies must comply with this Policy (at all times) whilst they are Relevant Persons … including:*
>
> *(i) In relation to any dealings they have with the Child/Young Person arising from the Relevant Persons … or the Child/Young Persons involved in any capacity with Campdrafting,…"*
>
> and specifically excluding "*interactions involving a Relevant Person and a Child/Young Person where there is no direct or indirect link to Campdraft or a relevant organisation*;".

CONDUCT THAT IS UNBECOMING OF A MEMBER OF THE RESPONDENT

125. The entitlement of the Respondent to take disciplinary action for conduct unbecoming of a Member is not included in Rule 19.

126. That said, conduct unbecoming of a Member of the Respondent would be described as conduct that prejudices the Respondent, and while not specifically provided for in Rule 19 would in my view be included as conduct which prejudices the Respondent.

127. In my view, the Applicant's conduct in attending the horse float of the First Complainant at some time between 2:10am and 2:30am on [redacted], attempting to enter the First Complainant's float then being slow to leave despite being asked to leave, constitutes harassment. It constitutes a breach that affected the First Complainant in the way described by Witness 1, given that it constitutes an aggravation of a what was otherwise preexisting harm in attempting to open the door of or knocking on the door of the First Complainant's float between 2:10am and 2:30am on [redacted] and was reasonably likely to cause harm.

128. Similarly, the Applicant's conduct in, as I have found, knocking on the van of the Second Complainant constituted harassment, and a breach of the MPP.

129. It makes little difference in my view, the ultimate sanction, that "*conduct unbecoming*" does not seem to be an available head of breach. There is sufficient evidence of other breaches to support the sanction that I have found.

DISPOSITION OF THE APPEAL

130. In my view the evidence before the Disciplinary Sub-Committee established that the Applicant:

> (a) breached the Respondent's MPP;

(b) breached the Respondent's SCYPP; and

(c) engaged in conduct that prejudiced the Respondent.

131. There is no head of complaint against the Applicant under the Model Rules of conduct unbecoming of a Member of the Respondent. That said, in my view, the conduct that prejudiced [the Respondent] , whilst sufficient, the finding that the Applicant engaged in conduct that was unbecoming of a Member of the Respondent was unavailable for the Disciplinary Sub-Committee; however, it makes no difference to the sanction imposed upon him.

132. In my view, any issue with proportionality between the sanction imposed on Person 1 and the sanction to be imposed on the Applicant is sufficiently dealt with by the removal of the probationary period, which, I found was not available under Rule 22(2) of the Model Rules.

133. Because, in my view, the Disciplinary Sub-Committee did not have power to impose a period of probation.

THE TRIBUNAL THEREFORE DETERMINES:

1. The appeal is allowed in part.

2. I allow that part of the Appeal that imposes a probation period, and insofar as may be necessary, decline to impose a probation on the Applicant.

3. I uphold the sanction of the Disciplinary Sub-Committee to suspend the membership rights of the Applicant for the period of 12 months from 11 March 2026.

4. The appeal is otherwise dismissed.

5. The Applicant has indicated a preparedness in his letter of [redacted], to complete any integrity, member protection and safeguarding training that the Respondent considers appropriate.

6. In my view, the Applicant should provide written evidence to the Disciplinary Sub-Committee that he has undertaken integrity, member protection and safeguarding training, and in accordance with the National Integrity Framework.

Dated: 6 August 2026



Greg Laughton SC

[7] Court Book, page 138-140.