



Motorcycling Queensland board

Submissions to judiciary committee on hearing of appeal of MA board imposed penalty
from Gary Armstrong
Date of appeal: 9 February 2016
Date delivered: 2 February 2016

Subject of this appeal

1. This appeal is made by the appellant against the penalty imposed on the appellant by the Motorcycling Queensland (**MQ**) board as notified to the appellant in a letter dated 18 November 2015, emailed to the appellant that day. A copy of that letter is attached as **document 1**.
 - 1.1 The MQ president's letter of 18 November 2015 was preceded by a letter dated 5 November 2015 notifying the appellant that the MQ board considered his conduct was in breach of various rules applicable to members of MQ and giving him 2 options, one to show cause why a penalty should not be imposed and the other that no penalty would be imposed if he gave undertakings to refrain from further vexatious conduct and apologise to a number of people he had maligned. A copy of that letter is also attached as **document 2**.

Summary of these submissions

2. In these submissions, the MQ board sets out the following:
 - 2.1 The grounds for imposing the penalty on the appellant.
 - 2.2 The process by which the MQ board imposed the penalty.
 - 2.3 The grounds upon which the MQ board submits that this tribunal should substantially increase the penalty.

Grounds for penalty

Introduction

3. Under this part, the MQ board submits the the grounds for the imposition of the penalty that is the subject of this appeal.

Relevant MQ constitutional provisions

4. Clause 7.6 of the MQ Constitution sets out the obligations of all members of MQ. The MQ board submits that the particular provisions of clause 7.6 that apply to the conduct of the appellant that caused the MQ board to impose the penalty that is the subject of this appeal are subclauses 7.6.2, 7.6.3 and 7.6.5. The MQ board submits that the appellant's conduct mentioned below contravenes those provisions as follows:
 - 4.1 The appellant's refusal to accept the determination of Mr Jackson and the conclusions of Sasha Ulasowski is, in contravention of clause 7.6.2, prejudicial to the MQ objectives, particularly the objectives mentioned at subclauses 4.2.6, 4.2.11 and 4.2.13 of the MQ constitution.
 - 4.2 The appellant has contravened subclause 7.6.3 in respect of his conduct at the Connondale Classic as determined by Mr Jackson. The MQ board accepts that Mr Jackson has dealt with that conduct and effectively imposed a penalty by directing that the appellant forfeit the appeal fee of \$500 dealt with matter. However, the MQ board

submits that the appellant has, since receiving Mr Jackson's written decision and reasons on 12 October 2015, with increasing stridency asserted that Mr Jackson was wrong as detailed on paragraph 6 of these submissions. The MQ board submits that this tribunal have regard to paragraph 51 of Mr Jackson's reasons in relation to the appellant's conduct since the hearing of that appeal.

4.3 The appellant has also contravened 7.6.3 by his serial breaches of the Manual of Motorcycle Sport (**MoMS**) MA Code of Conduct (MoMS section 25, page 356, section 7) and Codes of Behaviour (MoMS section 25, p367) as follows:

- Refusal to be ethical, fair and reasonable (proven by his correspondence).
- Refusal to operate within the rules and spirit of the sport (proven by his correspondence).
- Refusal to be aware of, and act within, the rules and spirit of the sport as demonstrated by his serial misinterpretation of the General Competition Rules (**GCRs**) and the MA Member Protection Policy (**MPP**).
- A failure to show respect and courtesy to the MQ GM, Rowan Jackson and others as stated paragraph 9.4 of these submissions.
- His open defiance in respect of the decisions of officials and administrators, particularly his refusal to accept the determinations of Mr Jackson as stated in paragraph 6 of these submissions and Ms Ulasowski as stated in paragraph 7 of these submissions.
- A failure to act with integrity and objectivity as demonstrated by his serial misconceived and vexatious MPP complaints and his refusal to objectively accept the interpretation of the GCRs as clearly explained by Mr Jackson.
- A failure to ensure his decisions and actions contribute to a harassment-free environment by his continual harassment of the MQ president and the MQ GM.

No basis for appellant's complaints and appeals

5. The MQ board submits that the appellant has not at any time since the genesis of this matter at the Connondale Classic made a complaint or lodged an appeal that has any merit:

- 5.1 The appellant's complaint that the officials at the Connondale Classic had exceeded their authority was comprehensively dismissed by Mr Rowan Jackson in his written reasons published 12 October 2015, but he continues to allege they acted improperly.
- 5.2 Similarly, the appellant's complaints that he had been subjected to bullying, intimidation and discrimination was also comprehensively dismissed by Mr Rowan Jackson in his written reasons published 12 October 2015, but the appellant continued to pursue those allegations purportedly under the MPP.
- 5.3 None of the appellant's serial complaints purportedly made under the MPP are valid complaints under that policy. The appellant has made the following baseless and vexatious complaints under the MPP:
 - 21 August 2015 – complaint purportedly made under the MPP alleging abuse, intimidation and obstruction by the MQ president and MQ general manager

(GM). This complaint was found to be invalid by an independent Member Protection Officer, Sasha Ulasowski, on 17 September 2015.

- 21 August 2015 – complaint purportedly made under the MPP to the Queensland Veteran MX Club regarding the QVMX club president, John Tate, also the assistant clerk of course at the Connondale Classic, one of the subjects of his complaint to MQ which was ultimately dealt with in the decision of Mr Rowan Jackson on 11 October 2015, written reasons published 12 October 2015.
- 13 October 2015 – a further complaint purportedly made under the MPP alleging bullying and discrimination by the MQ President and the MQ GM in the same terms as the complaint delivered 21 August 2015.
- 17 November 2015 – a complaint purportedly made under the MPP alleging unspecified breaches of the MPP by the MQ president, MQ GM and MQ board members.
- 18 November 2015 – a complaint purportedly made under the MPP alleging unspecified breaches by Allan Halley (Connondale Classic steward), Peter Bell (Connondale Classic clerk of course), John Tate (Connondale Classic assistant clerk of course) and Rowan Jackson.

5.4 The MQ board submits that the appellant also has no reasonable basis for this appeal.

Refusal to accept Rowan Jackson's determination of appeal

6. The appellant continues to reject, and perversely misinterpret, Mr Jackson's determination and written reasons dated 12 October 2015 as evidenced by the following:

- 6.1 The appellant's email of 11 November 2015: That Mr Jackson's determination is '*...nothing more than a delusional wish list and had no bearing on the rules contained in the MOMS...*' Copy attached as **document 3**.
- 6.2 The appellant's email of 18 November 2015 attaching what purports to be a MPP complaint about the conduct of officials at the Connondale Classic despite the conduct of those officials having already been comprehensively dealt with by Mr Jackson. Copy attached as **document 4**.
- 6.3 The appellant's emails of 27, 28 & 29 January 2016: Numerous refutations of Mr Jackson's determination. Copy attached as **document 5**.

Refusal to accept MPO determination of MPP complaint

7. The MQ board submits that the email files delivered to this tribunal contain voluminous evidence that the appellant rejects any determination that his complaints do not qualify as legitimate complaints under the MPP.

Vexatious complaints to Department of justice

8. The appellant has engaged in further vexation by making an application to the Queensland Department of Justice and Attorney General purportedly for mediation of complaints about MQ organisational processes. The MQ president and the MQ GM received letters dated 22 October 2015. Copy of the letter to the MQ president is attached as **document 6**. The MQ board submits that this application is further evidence of the appellant's vexation for the following reasons:

- 8.1 The matters about which he complained arising out of the Connondale Classic event had been dealt with strictly in accordance part 7 of the GCRs, including a determination by the ORB and a determination of the appellant's appeal from the ORB decision by Mr Jackson on 12 October 2015.
- 8.2 The appellant's purported MPP complaint delivered on 21 August 2015 alleging abuse, intimidation and obstruction by the MQ president and MQ GM was determined by Ms Ulasowski of 17 September 2015 to not be a legitimate complaint under the MPP.
- 8.3 This application by the appellant, the MQ board submits, is typical of the appellant's vexatious pursuit of his personal opinions of the way to interpret the MQ constitution and the MoMS; ie ignore any opinion, or indeed formal determination, of the rules and continue to seek external 3rd parties to agree with him.
- 8.4 Both the MQ president and the MQ GM, in an attempt to mitigate the effects of the appellant's ceaseless vexation, declined the department's invitation to participate in a mediation with the appellant because, in their view, there was no dispute to mediate given the conclusions of Ms Ulasowski delivered 17 September 2015 and the determination of Mr Jackson on 11 October 2015 (written decision and reasons delivered 12 October 2015). Any mediation would likely be simply used by the appellant to bombastically declare his opinion and denigrate any person who disagreed with him similar to the way in which he conducted himself before Mr Jackson.

Breaches of MA Member Protection Policy

9. Whilst the appellant has made many unspecified claims that he has been variously bullied, harassed and discriminated against, in fact much of the appellant's stream of invective correspondence actually constitutes authentic breaches of the MPP:
 - 9.1 The appellant has committed numerous offences prescribed at paragraph 7 of part 16 of the MPP; ie he has made numerous complaints he knew to be untrue, vexatious, malicious or improper, and threatens to continue to do so. The MQ board fully expects the appellant to deny that he knew he was making untrue complaints. But the MQ board expects all MQ members to know the rules or at least take advice when it is offered in respect of compliance with the rules. In short, the appellant ought to have known his complaints are untrue and vexatious. Indeed he has been told that often enough. But the appellant, as demonstrated by the matters stated in paragraph 6 of these submissions, even when an independent barrister determines he is wrong, he steadfastly maintains his self-styled view of the rules to which he is subject. The appellant's purported MPP complaints that each constitute an offence under paragraph 7 of part 16 of the MoMS are the complaints enumerated at paragraph 10 of these submissions.
 - 9.2 In breach of paragraphs 3 & 4 of the MA Code of Conduct (section 7 [on p356] of part 25 (MPP) of the MoMS (**Code of Conduct**), the requirement that members be aware of, and act within, the rules and the spirit of motorcycle sport (1st dot point, 'Codes of Behaviour, MPP, p 376 of the MoMS), the appellant flagrantly defied several lawful directions from officials at the Connondale Classic as determined by Mr Jackson on his written reasons for his decision dated 12 October 2015. Whilst the MQ board accepts that matter was dealt with in the appellant's appeal of the ORB decision that the officials had acted properly, the appellant continues to deny and ridicule the

inrepretation of relevant GCRs and the application of those rules as determined by Mr Jackson. The appellant contends for an interpretation of the GCRs that would make it impossible for key offcals at events to effectively control events, except for on-track activity. His interpretation is perverse and self-interested to support, at least in his own mind, his on-going campaign of vexation against the MQ board and MQ's management.

- 9.3 In breach of paragraph 1 of the Code of Conduct, very little of the content of the appellant's correspondence to members of the MQ board and to the MQ GM can be fairly construed as 'ethical, fair and honest'.
- 9.4 In breach of paragraph 2 of the Code of Conduct he has treated the officials at the Connondale Classic, the MQ GM, Mr Jackson and members of the MQ borad with contempt. Examples of this conduct can be found in the following correspondence written by the appellant: His emails dated 7 September 2015 (to Michael Brown), 24 September 2015 (to the MQ GM), 2 October 2015 (to the MQ GM), his letter dated 18 November 2015 purporting to show cause why he should not be subject to a penalty (emailed 23 November 2015) and his emails dated 29 January 2016 (to the MQ president),

Vexatious MPP complaints

10. The MQ board submits that the complaints enumerated at paragraph 5.3 of these submissions constitutes deliberate vexation by the appellant intended to unnecessarily occupy the time of MQ employees and MQ volunteers including all MQ board members.
 - 10.1 Despite Sasha Ulasowski advising the appellant that his purported MPP complaint that he has been abused, intimidated and obstructed by the MQ president and MQ GM was invalid, he has resubmitted similar and unspecified complaints on 13 & 17 November 2015.
 - 10.2 Despite Mr Jackson's determination and reasons published 12 October 2015 the appellant made a purported MPP complaint about the conduct of the Connondale Classic officials on 18 November 2015 relying on precisely the same facts as had been dealt with by Mr Jackson.
 - 10.3 The purported MPP complaint made to QVMX on 21 August 2015 making allegations that he had been abused and bullied by John Tate was clearly intended to intimidate and oppress John Tate separately to the pursuit of his misconceived appeal of the ORB decision.
 - 10.4 Further, in none of the appellants complaints is there any attempt to identify what conduct constitutes a breach of the MPP and how that conduct has contravened the MPP.
 - 10.5 The MQ board submits that the appellant has deliberately ignored any advice he has been given by Ms Ulasowski in respect of the intent and operation of the MPP in attempt to justify his vexatious campaign of complaint and criticism.
 - 10.6 These complaints alone have generated over 100 emails between the appellant and represenatives of MQ. On average, the time taken to deal with each of the appellant's 25 emails including attachments is conservatively 20 mins, meaning the appellant's misconceived complaints have consumed approximately 9 hours of MQ time and that

estimate assumes only one MQ representative has dealt with each of the appellant's emails.

Vexatious requests for financial information

11. Between 12 November 2015 and 17 November 2015, the appellant repeatedly requested copies of MQ financial information. The MQ GM wasted his time supplying 5 years of audited annual financial reports, consolidated for all MQ entities. The appellant continued to make requests, accompanied by bizarre claims that the MQ board was somehow guilty of criminal conduct under the *Corporations Act 2001*, despite the MQ GM telling the appellant on a number of occasions that those reports are, and have always been, published to members on the MQ website and that the financial information contained all relevant information for all MQ entities.

11.1 The MQ board submits that the only purpose of these requests was to further the appellant's campaign of vexation.

The appellant remains unrepentant

12. Ms Ulawoski's delivered her conclusions on 17 September 2015 that his complaint purportedly delivered under MPP in respect of what he alleged was misconduct by the MQ president and the MQ GM did not constitute a valid complaint under the MPP.

12.1 Mr Jackson delivered his written reasons for his decision made 11 October 2015 on 12 October 2015.

12.2 The MQ board submits that all of the appellant's correspondence and conduct since receipt of advice of both outcomes clearly shows the appellant does accept either Mr Jackson's formal determination and does not accept that his complaints purportedly made under the MPP are not valid and are, in fact, vexatious.

Process

Constitutional requirements

13. The MQ board submits that the provisions of the MQ constitution that apply to this appeal are found in part 22 of that constitution.

13.1 The appeal made by the appellant in respect of the 2 September 2015 determination of the ORB was conducted under GCR section 7.3. Mr Jackson pronounced his decision on 11 October 2015 and he published the decision and reasons for the decision in writing on 12 October 2015. Under GCR 7.4.3.1, the appellant, if he had grounds for an appeal of that decision to MA, may have delivered an appeal, accompanied by a \$1,000 appeal fee, to MA on or before 2 November 2015 (ie 21 days after the decision had been notified to the appellant). He did not deliver an appeal to MA, but now says he is seeking an extension of time in which to do so (appellant's emails to the MQ president of 29 January 2016).

13.2 Under clause 22.1.1 of the MQ constitution, the MQ board is entitled to initiate a complaint against a MQ member.

13.3 Clause 22.2 of the MQ constitution states the grounds upon which a MQ member may be disciplined by the MQ board.

- 13.4 Clause 22.6 of the MQ constitution states the process that must be followed to impose a penalty on a MQ member.

Constitutional requirements as applied by the MQ board

14. The MQ board submits that the evidence (ie all the appellant's correspondence) supports the conclusion the the appellant has contravened clauses 22.2.1, 22.2.2 and 22.2.3 of the MQ constitution, which justified the MQ board initiating its own complaint against the appellant.
- 14.1 Under clause 22.6 of the MQ constitution, the MQ board opted to proceed under the 2nd alternative stated in that provision.
- 14.2 On the basis that the substance of the appellant's complaints and conduct of which the MQ board did not have direct knowledge had been extensively ventilated before Mr Jackson and that all his conduct that the MQ board considers contravenes clause 22.2 has been directed at the MQ president, the MQ GM and the MQ board generally, the MQ board determined that its own complaint could be adequately heard by requesting the appellant show cause why his conduct should not be subject to penalty. Indeed, in the MQ president's letter to the appellant dated 5 November 2015, which was approved by the MQ board by email, gave the appellant a very reasonable option that, if accepted, would have resulted in no penalty being imposed. The appellant declined that option and actually intensified his campaign of vexation in response to that show cause notice.

Evidence of breaches

15. Given the extensive evidence of the appellant's relentless campaign of vexation that the MQ board had by 13 October 2015, at the board meeting on that day the board unanimously resolved that, if the appellant failed to appeal Mr Jackson's determination in accordance with GCR 7.4, then appellant would be required to show cause why why the MQ board should not impose a penalty on him for his vexatious and defiant conduct which the MQ board considers to constitute breaches of the MQ constitution and the MPP.
- 15.1 Also given that the appellant was the sole author of all his correspondence, the board considered that he had all the evidence on which the MQ board would be relying and he could not be prejudiced by not knowing any relevant evidence or the source of any releavnt evidence.
- 15.2 The MQ board submits that the appellant's correspondence to 13 October 2015 amply provides the grounds for diciplinary action under clause 22.2.1 to 22.2.3 (inclusive) of the MQ constitution.

Cause 22.7.1 considerations

16. At the MQ board meeting on 17 November 2015, the board considered the following under clause 22.7.1 of the MQ constitution:
- 16.1 That the appellant's conduct was serious and likely to continue, a conclusion borne out by the appellant's conduct since receiving notice of the penalty imposed on 18 November 2015.
- 16.2 That the appellant was totally unrepentent and openly threatened to continue to engage in vexatious and defiant conduct.

- 16.3 That the appellant clearly had no intention of cooperating with the MQ board evidenced by his clear rejection of the option to apologise and give an undertaking to refrain from similar conduct in the future.
- 16.4 That the appellant's conduct and statements made clear he would not abide Mr Jackson's determination nor Ms Ulasowski's conclusion.

Clause 22.7 - penalties

17. Also at the 17 November 2015 board meeting, the board, after considering the factors prescribed under clause 22.7.1, considered the appropriate penalty to apply. Of the suitable penalties available to the MQ board, it unanimously concluded that, given that the appellant considered that he was entitled to defy the lawful instructions of officials at events, the only appropriate penalty was to withdraw his ability to enter, and participate in, events for a period.
- 17.1 The MQ board has hard won experience that, in relation to members who are competitors, the only way to have a competitor who has defied officials to understand the unacceptability of that conduct, is to withdraw his or her entitlement to compete. In most cases, the mere threat of possible suspension causes the wrong doer to admit the unacceptability of his or her conduct and is prepared to give undertakings to reform. That is the MQ board's long-standing preference for dealing with matters such as this. But the appellant is incorrigible.
- 17.2 The MQ board also submits that, over the past 4-5 years, the MQ board has suspended the licence of only very few members, but this case is extraordinary.
- 17.3 The MQ board considers that a monetary penalty alone would be ineffective given the cavalier way in which the appellant threw away his \$500 appeal fee to have his appeal against the ORB determination heard by Mr Jackson, an appeal that had no prospect of success.
- 17.4 On the basis of the appellant's conduct since the imposition of the penalty suspending his MA licence to the date of expiry of his current licence, it is clear the appellant has no intention to refrain from constantly asserting a view of the application of the MoMS, held by him alone and in open defiance of Mr Jackson's determination. It is also clear the the appellant will continue to engage in vexatious complaint, abuse and any conduct that engages MQ volunteers and staff in unnecessary work and pressure.
- 17.5 Therefore, the MQ board submits that the appellant, by his own conduct, has demonstrated the the penalty imposed, and which here is appealing here, is insufficient.

Further penalty

18. This tribunal has power under clause 22.10.1 to impose a different penalty under clause 22.7 than the penalty that is the subject of this appeal.
- 18.1 The MQ board submits that this tribunal ought to impose a more severe penalty on the appellant than the penalty that is the subject of this appeal; ie the MQ board submits that this tribunal ought replace the current penalty with the following:

- That the appellant reimburse MQ for the fees paid by MQ for determining this appeal¹.
- That the appellant's MA licence, or the right of the appellant to apply for a new MA licence, be suspended for a period of 12 calendar months following the determination of this appeal or until the appellant pays the costs of this appeal, whichever is later.
- That if the appellant engages in further vexatious conduct after this appeal (which will not include any appeal of Mr Jackson's determination to MA), the MQ board may impose a lifetime prohibition on the appellant holding a MA licence.

18.2 The MQ board relies on the following submissions, supported by the submissions above, for its request that this tribunal increase the penalty imposed on the appellant.

Further bases for increasing the penalty

The sport cannot be sustained if the appellant's conduct goes unpunished

19. MQ and its over 80 affiliated clubs rely on vast number of volunteers to continue to conduct events to give licensed competitors, such as the appellant, as many opportunities as possible to participate. In this respect, we appreciate we are no different than other sports. However, motorcycle sport requires a great many more volunteers to conduct an event than many other sports.
- 19.1 Whilst all volunteers are highly valuable to us, it is our officials that are most crucial because they are the primary way in which we make what is a dangerous sport as safe as possible. Officials give up many days of their time each year in training and officiating at events. It is imperative, therefore, that MQ protects our officials from unjustified criticism, abuse and defiance. It is too easy a conclusion for an otherwise dedicated volunteer official, faced with unpleasant conduct from competitors and their supporters, to simply walk away and that is one of our most important strategic challenges. Therefore, the open defiance displayed by the appellant that he may defy any instruction from an official that he, and he alone, decides is not supported by an express GCR, is the most corrosive form of conduct from a competitor that this sport may face.
- 19.2 It must be remembered in this case that all of the circumstances arise from a very reasonable direction given to the appellant by officials which he openly defied and he continues to rely upon his defiance of Mr Jackson's determination as justifying his ongoing vexatious conduct.
- 19.3 The sport is much more reliant on its volunteer officials than it is on its competitors. Certainly, licence fees, entry fees etc paid by competitors allow the sport to operate in a financially sustainable way. But in the case of the appellant, he has, since August 2015, already cost MQ a great deal more than the revenue we will have collected from him over many years. That lionisation of resources by the appellant in circumstances

¹ For clarity, MQ will pay the fees and will be responsible for recovering that sum from the appellant.

where he has no reasonable basis to justify his complaints, constitutes a substantial detriment to other MQ members who comply with the rules of the sport and conduct themselves with reasonable regard to the interests of others.

- 19.4 In short, if the appellant is not prepared to accept that he was in the wrong at the Conondale Classic and give enforceable undertakings to the MQ board that he will promptly comply with directions from officials in the future, then the sport is far better off without him. It is too apparent that the appellant considers that the GCRs should be perversely interpreted to benefit him alone and that any person involved in the administration and conduct of the sport that disagrees with his view of his entitlement should be punished. The MQ board submits that no other conclusion can be drawn from the appellant's relentless vexation that arises out of an incident in which he was clearly in the wrong.

The MQ board

20. All members of the MQ board are volunteers. They each donate weeks of their time each year to ensure MQ is well governed. The task of governing the sport in Queensland that is constituted by >80 affiliated clubs, including all of their members some of whom constitute over 6,000 licensees (riders and officials) is large and important responsibility. MQ also issues permits and provides administrative support to over 900 events per annum.
- 20.1 That task, involving complex strategic issues such as security of venues, safety, sustainability of clubs and, as mentioned above, training and supporting our officials is a substantial challenge.
- 20.2 The conduct of the appellant has consumed an inordinate amount of time by both board members and the MQ GM with his vexatious campaign. The abuse and self-serving criticisms prosecuted by the appellant has been disheartening and emotionally exhausting to members of the MQ board. Volunteer board members should not have to tolerate the conduct we have seen from the appellant. If more members engaged in that sort of conduct because the conduct of the appellant went unpunished in a substantial way, few MQ members would offer their time and expertise as board members and that would be a tragedy for motorcycle sport.

The appellant has deliberately wasted MQ time, money and resources

21. The appellant is a member of MQ and by virtue of that membership has the obligations stated at clause 7.6 of the MQ constitution. The evidence shows, we submit, that the appellant has wilfully breached numerous provisions of clause 7.6 of the MQ constitution.
- 21.1 The MQ board did not take into account the great amount of time expense and work the vexatious conduct of the appellant has caused MQ when imposing the penalty that is the subject of this appeal, wrongly assuming that excluding the appellant from participation for approximately 7 months would result in the appellant engaging in some critical self-analysis. That trouble and expense is summarised as follows:
- The MQ general manager estimates that he has been compelled to spend in excess of 10 hours in dealing with the torrent of email correspondence in which the appellant has engaged since 7 & 8 August 2015, the date of the Conondale Classic and the genesis of the appellants vexation.

- The MQ president estimates that the MQ board has wasted in excess of 3 hours of board meeting time dealing with the appellant's complaints.
 - The MQ president estimates that he has spent in excess of 30 hours of personal time dealing with the complaints and vexatious correspondence from the appellant.
- 21.2 The MQ GM is a paid employee of MQ who is employed to administer the sport in Queensland for the benefit of all MQ members. The time expended by the MQ GM in dealing with the vexatious and misconceived complaints of the appellant is time he could not devote to the general membership of MQ. Accordingly, the appellant has caused a substantial detriment to the membership of MQ by selfishly demanding attention that is not justified.
- 21.3 Further, whilst the appellant will doubtlessly claim that his is simply exercising his rights of appeal under the MQ constitution, the MQ board submits that appellant owes MQ a duty to objectively consider his prospects and to lodge appeals and complaints only in circumstances where there is at least a slim prospect of success. The appellant's appeal of the ORB decision was determined to have no merit. His series of MPP complaints have no merit. And this appeal is devoid of merit. This appeal is a mere protest to further vex MQ by compelling MQ to waste further time and money to deal with the appellants self-centred and self-serving complaints. That the appellant has lodged this futile appeal is, we submit, sufficient grounds alone for this tribunal to increase the penalty imposed on the appellant by the MQ board.

The appellant has shown no contrition

22. As stated in paragraph 12 of these submissions, the appellant remains self-righteously unrepentent.

The appellant has deliberately misconstrued his rights

23. From the outset of this matter, the appellant has deliberately pursued his own self-serving and perverse interpretation of the MA Manual of Motorcycle Sport, including the General Competition Rules and the Member Protection Policy. He also denies that the general law has any application to his conduct. The appellant refuses any advice about how many sources of law interact and apply to all activities of MQ, its clubs and its competitors. The appellant justifies his conduct by claiming that the only law that applies to him is the express provisions of the MoMS, the 'bible' has he has referred to it numerous times. And worse, the appellant denies any common sense interpretation of his 'bible'.
- 23.1 The appellant, therefore, effectively claims that MQ, its board and management have no jurisdiction over his conduct, other than when he is actually competing on track. If a substantial number of MQ members were to adopt the appellant's view, motorcycle sport and other sanctioned activities would be ungovernable.
- 23.2 As stated in paragraph 9.1 of these submissions, the MQ board submits that whatever the appellant's motives in pursuing his campaign of vexation, his dogged contention for his view constitutes a severe breach of the Code of Behaviour and that conduct has actually worsened since the MQ board imposed the penalty that is the subject of this appeal.

Conclusion

24. On the basis of these submissions, and the substantial email files the MQ has delivered to the tribunal, the MQ board submits that the tribunal should determine this appeal as follows:
 - 24.1 The appeal is dismissed.
 - 24.2 The penalty appealed is revoked and is replaced with the penalty proposed at paragraph 18.1 of these submissions.