

**GENERAL PURPOSES TRIBUNAL
OF FOOTBALL NEW SOUTH WALES
FINAL DETERMINATION
IN THE FOLLOWING MATTER:**

GPT 15/22

Respondent	Mr Hassaniyan Alzaidi (aka, Hassaniyan Al Salihi)
Attendees	Mr Zayed Safi (Australian National Sports Club, translator and representative)
The basis upon which the matter is before the General Purposes Tribunal	Grievance and Disciplinary Regulations Sections 8.2, 12.15, 14.4, and and 15.3
Key Words/Phrases	Playing whilst suspended, non-compliance with Tribunal order, falsifying record, misleading a body
Date of Hearing	17 August 2015
Date of Final Determination	24 August 2015
General Purposes Tribunal Members	Mr Chris Gardiner (Chair) Mr Louis Fayd'herbe Mr Ian Westray

A. INTRODUCTION

1. Football NSW has established this General Purposes Tribunal pursuant to Section 5 of the Football NSW Grievance and Disciplinary Regulations 2014 ("Regulations").
2. A General Purposed Tribunal (GPT) is responsible for hearing and determining:
 - 2.1. Breaches of Misconduct and Disrepute as set out in Section 8.2 of the Regulations;
 - 2.2. Grievances between Members as set out in Section 8.3 of the Regulations;
 - 2.3. Matters referred by Football NSW's Disciplinary Committee as set out in Section 8.4 of the Regulations;
 - 2.4. Any other matter Football NSW considers important to the interests of football in the State, at its absolute discretion, as set out in Section 8.1 (a) (iii).
3. The GPT makes determinations as set out in Section 8.5 of the Regulations.

B. NOTICES OF CHARGES

4. Football NSW issued a Notice of Charges against Mr Hassaniyan Al Salihi dated 5 August 2015, alleging breaches of:

Sections 12.15(a)(iv), 14.4(3), and 15.3 (b), (d), (e), (g) and/or (h) of the Football NSW Regulations, and/or Clauses 2.1, 2.2(g) of the FFA Code of Conduct and Clause 4.3(c) of the FFA National Registration Regulations.
5. The conduct alleged in the Notice of Charges for the Respondent was as follows:

On 23 February 2014, the Participant (Hassaniyan Alzaidi), during a Trial Match between Northbridge and Gladesville Ryde Magic at Seven Hills Sports High School received a Red Card for an R2 offence (Violent Conduct). Subsequently the Participant received a one-year suspension from the Football NSW Disciplinary Committee.

On 28 May 2014, Football NSW received confirmation that the Participant was playing while suspended for the Auburn District Football Club.

On 17 June 2014, a FNSW General Purposes Tribunal (GPT) hearing was held in to the allegation that the Participant had been playing while suspended (GPT14-10 relates [sic]). The GPT found the Participant guilty of playing while suspended. The Participant received an additional 12-month suspension to commence from the expiration of the initial suspension. The additional suspension therefore was to commence on 17 June 2015 and expire on 17 June 2016.

On Tuesday, 7 July 2015, it was brought to the attention of FNSW that the Participant was playing for the Australian National Sports Club under the name Hassaniyan Al Salihi

The Participant falsified identifications documentation in order to register under an assumed name.

6. The Respondent pleaded guilty to the Charges.

C. DECISIONS OF THE GPT

7. The Tribunal determined that the Respondent serve a two (2) year suspension for the falsification of a record, which also involved the misconduct of misleading FFA and Football NSW.
8. The Tribunal determined that the respondent serve a two (2) year suspension for playing whilst suspended and in lieu of unserved suspensions.
9. The Tribunal determined that the two suspensions be combined as a global suspension of four (4) years, with a discount of one year in recognition of the Respondent's early guilty plea, resulting in an effective suspension of three (3) years from the date of the Tribunal determination.
10. The Tribunal determined that the first year of the suspension cover all football activities (including Futsal), with the second and third year suspension to cover only involvement in Football (and Futsal) as a player.
11. The Tribunal determined that the costs of the Tribunal processes assessed by Football NSW be met by the Respondent.

D. THE HEARING

12. The Hearing was held at Football NSW on 17 August 2015.
13. The Respondent was represented, and assisted with translation, by Mr Zeyad Safi, from the player's Club.
14. The Tribunal confirmed that the Respondent understood the Charges and the potential sanctions if found guilty.
15. The Respondent was invited to make submissions on jurisdiction and competence. No submission was made.
16. The Tribunal advised the Respondents of his right to appeal.

E. EVIDENCE & SUBMISSIONS

17. The Respondent pleaded guilty and expressed his remorse and commitment not to repeat the offences in the future in a letter dated 10 August 2015.

18. The Tribunal explained that the breach of the FFA and FNSW regulations relating to falsification of a player record and, so, misleading a body involved a maximum sanction of a two-year suspension. The Tribunal also explained that the FNSW Regulations provided it with discretion as to any sanction relating to the offence of playing whilst suspended and, so, failing to comply with a Tribunal order.
19. The Respondent was invited to make submissions as to possible sanctions. He advised that he was willing to accept any decision of the Tribunal. He stated that he wished the tribunal to take into account his previous life circumstances and, with regard to any possible financial sanction his limited economic means as a former refugee and current apprentice.

F. CONSIDERATION & COMMENT

20. The Respondent did not challenge any of the details in the alleged conduct specific in the Notice of Charges. These were accepted by the Tribunal as facts.
21. The Respondent had clearly played whilst suspended, then failed to comply with an order of a Tribunal, and compounded these breaches by providing a false registration identification to do so.
22. The breaches of the Regulations were clear and deliberate, and a string sanction was warranted to deter the respondent and other Participants from similar breaches in the future.
23. The Tribunal noted the guilty plea and the obvious remorse shown at the hearing. The
24. Tribunal also noted the extreme circumstances of the Respondent's life as a refugee and his desire to have football play a part in rebuilding his life in Australia. It noted his limited financial means.
25. The Tribunal sought to balance appropriate severity of the sanction with some opportunity for the Respondent to stay connected to Football and, possibly, once the suspension was served, participate again.
26. The Tribunal determined that the maximum sanction of a two-year suspension be imposed for the falsification of a record and misleading a body.
27. The Tribunal determined that at the very least, the Respondent was meant to have served suspension of two years from previous decisions, had not done so, and should serve a suspension of at least that length for the previous offences and for playing whilst suspended in breach of a Tribunal order.
28. To balance the sanction and deterrence with prospects of future participation, the Tribunal combined the suspensions into a four-year suspension. It discounted that suspension by 25% in recognition of the Respondent's early guilty plea.

29. The Tribunal applied the suspension to all football activities for the first year. To be clear, this suspension would cover playing, coaching, training, attending games, volunteering or working in a club or association for both Football and Futsal.
30. The Tribunal applied the suspension in the second and third year only to participation in Football and Futsal as a player. This decision allows the Respondent to re-connect to Football after year one of the suspension, possibly make a contribution back to the game through his club in other roles, and possibly maintain skills and fitness through training. To be clear, in the second and third years of the suspension, the Respondent is not permitted to participate in any form of the game, at any time, as a player.
31. The Respondent was advised that a future breach of a suspension, or of the Regulations, might lead to even more severe sanctions. The Tribunal expresses its hope that he will accept the sanction and the Tribunal's reasons and intentions in the way it has structured the suspension.

Chris Gardiner
Chairman
24 August 2015