

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

**GPT 15/05**

Parties	Mr X (Player, Fraser Park FC)
Attendees	Ms XY (Parent)  Dr Z (Spirit FC Official, Witness) Mr ZZZ (Spirit FC Official, Witness – By Phone) Mr ABC (Spirit FC Official, Witness) Mr AAA (Spirit FC Official, Witness) Mr BB (Spirit FC Official, Witness)
The basis upon which the matter is before the General Purposes Tribunal	Grievance and Disciplinary Regulations Sections 8.2 and 15.3

Key Words/Phrases	Unprofessional Conduct
Date of Hearing	18 May 2015
Date of Final Determination	25 May 2015
General Purposes Tribunal Members	Mr Chris Gardiner (Chair) Mr Louis Fayd'herbe Mr Ray Lovat

## **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. NOTICE OF CHARGE**

4. Football NSW issued a Notice of Charge against Mr X dated 12 May 2015, alleging breaches of:

**Sections 15.3(b), (e), (f) and/or (g) of the Football NSW Grievance and Disciplinary Regulations; and/or**

**Section 15.3 (d) of the Football NSW Grievance and Disciplinary Regulations, Schedule 3, Table B, Number 1; and/or**

**Clauses 2.1, 2.2(c) of the Football Federation Australia Code of Conduct**

5. The conduct alleged in the Notice was as follows:

*At the completion of the Round 2 Match of the National Premier League 2 (NPL2) in the U16s grade between Spirit FC and Fraser Park FC on Saturday 28 March 2015, it is alleged that the Participant ran a distance from the field and jumped the fence and used offensive and/or abusive language at or towards spectators.*

6. Mr X pleaded not guilty in a Notice of Response dated 13 May 2015.

## **C. DECISIONS OF THE GPT**

7. The Tribunal determined that X was guilty of the charge of breaching Section 15.3 (e) of the Football NSW Regulations.
8. Tribunal determined that X serve a suspension of 4 fixtures as a player, this suspension to be inclusive of fixtures already served.

9. The Tribunal determined that Mr X pay the costs of the Tribunal processes as assessed by Football NSW.

#### **D. THE HEARING**

10. The Hearing was held at Football NSW on 18 May 2015.
11. Mr X was represented by his mother, Ms XY.
12. Ms X was invited to make submissions on jurisdiction and competence. No submission was made.
13. Mr X and the witnesses were cautioned on the need for accurate and honest testimony.
14. The Tribunal advised Mr X of his rights to appeal at the conclusion of the hearing.

#### **E. EVIDENCE & SUBMISSIONS**

15. The Tribunal accepted statements and oral evidence from Spirit FC witnesses F AAA, BB, G, ZZZ, and ABC on the alleged incident, each of whom had witnessed the incident.
16. Mr ZZZ participated in the hearing by telephone.
17. The Tribunal accepted two photographs tabled at the hearing by Spirit FC that captured Mr X's presence in the incident.
18. Ms XY advised the Tribunal that three witnesses, including Mr X's grandfather, were available by telephone to give evidence, however it was agreed that the witnesses did not need to be called.
19. Mr X's mother submitted that Mr X accepted that he should not have jumped the fence to involve himself in a spectator incident, but argued mitigation in that Mr X held real concerns for the safety of his grandfather in the incident and this concern was heightened emotionally as a result of the recent loss of his other grandfather. She also argued that Mr X had not been involved in physical violence in the matter.

#### **F. CONSIDERATION & COMMENT**

20. The Tribunal noted Mr X's age and the mitigating circumstances of Mr X's emotional state regarding his grandfather.
21. Photographs submitted by Spirit FC at the hearing supported the account given by Ms XY of the emotional state of her son at the time.
22. There was no evidence before the Tribunal that Mr X had been involved in violent conduct.

23. When asked whether they believed that Mr X had "incited" the crowd in his actions, the Spirit FC witnesses stated that they did not, expressing greater concerns regarding what they reported as the behavior of his coach during the game and prior to this incident.
24. The Tribunal was unable to ignore the fact, however, that Mr X had jumped the fence in the moments after his game had ended, and involved himself in a spectator incident. It accepted evidence from Spirit FC witnesses that they had heard him use offensive language as he moved to the incident. Such conduct involved the risk of inciting the crowd and escalating the spectator incident, and is unacceptable.
25. The Tribunal deemed the conduct unprofessional, and determined that a suspension of four fixtures be imposed on Mr X as a player, inclusive of any games served prior to the hearing.

**Chris Gardiner**  
**Chairman**  
**25 May 2015**