



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

GPT 16/25
[2016] FNSWGPT 1625 Southern Branch

Date of Hearing	6 June 2016
Date of Final Determination	8 June 2016
Respondent	Southern Branch FC
Attendees & Witnesses	Mr Phil McColl, Representative, Southern Branch FC, Mr Colin McGowan, Nepean FC Mr Ryan Trussell, President, Nepean FC
The basis upon which the matter is before the General Purposes Tribunal	Section 8.2 for alleged breaches of section 15.4(d) of the Football NSW Grievance and Disciplinary Regulations.
Key Words/Phrases	Substitute entering the Field of Play, Running to fight with Players, Striking Players, Fighting with Players, Violent Conduct, Melee.
General Purposes Tribunal Members	Mr David P. Lewis (Chair) Mr Louis Fayd'herbe Ms Marcelo Valerio

A. INTRODUCTION

Football NSW has established the following Bodies pursuant to Section 5.1 of the Football NSW Grievance and Disciplinary Regulations (“Regulations”). This matter was determined pursuant to the 2016 Regulations:

The GPT may impose sanctions in accordance with Schedule 3 of the Regulations.

B. NOTICE OF CHARGE

FNSW issued a Notice of Charge to the Respondent on 30 May 2016.

The Charge related to an alleged incident during Round 7 of the 1st Grade Match of the Women’s National Premier League 2 (WNPL2) competition between Nepean FC and Southern Branch FC on 15 May 2016 at Cook Park St. Marys NSW.

The Notice to the Respondent specified the following charges:

Charge 1

During Round 7 of the 1st grade Match of the Women’s National Premier League 2 (WNPL2) competition between Nepean FC and Southern Branch FC at Cook Park, St Marys on 15 May 2016 a melee broke out between the two teams. Players from the Nepean FC team were involved in this melee.

Alleged breaches of Section 15.4(d), (f), (g) and/or Section 16.9(b) of the Football NSW Grievance and Disciplinary Regulations 2016, Schedule 3, Table C.

Charge 2

The Match Official issued Red Cards to three (3) of the Club’s Players during the Match.

Alleged breaches of Section 15.4(d), (f), (g) and/or Section 16.9(b) of the Football NSW Grievance and Disciplinary Regulations 2016, Schedule 3, Table C.

Charge 3

A spectator from the Club entered the Field of Play during the melee.

Alleged breaches of Section 15.4(b), (d) of the Football NSW Grievance and Disciplinary Regulations 2016, and/or Sections 2.2(c), (d) and/or (e) and sections 3.1 and 3.2 of the FFA Code of Conduct.

Football NSW Grievance and Disciplinary Regulations 2016

15.4 Misconduct

Misconduct shall mean any act or omission by a Member which:

(d) constitutes a breach of Football NSW Rules and regulations (including these regulations) unless a document contains a provision or provisions for dealing with any breach thereof;

Sub-section 15.4(f) is also relevant to the alleged behaviour:

(f) results in the failure to provide a safe environment for Participants or to maintain public order at a Match;

Alleged breaches of Section 7(g) of the FFA National Member Protection Policy may also have occurred:

(g) Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;

Alleged breaches of Clauses 2.1, 2.2 (c), (e) and/or (f), 2.3 and/or 3.1 of the FFA Code of

Conduct (effective from 1 January 2007) are also relevant to the Charge under Section 15.4(d) of the Football NSW Grievance and Disciplinary Regulations 2016.

2.1 A Member must not bring FFA or the game of football into Disrepute.

Without limiting the generality of clause 2.1, a Member will be taken as having brought football into Disrepute if any of the following occurs:

2.2(d) provocation or incitement of hatred or violence;

2.2(k) any other conduct, behaviour or statement that materially injures the reputation and goodwill of FFA or football generally.

The Respondent and/or its Members allegedly engaged in conduct that:

D constituted a breach of the FNSW and FFA Rules and Regulations;

D was unsportsmanlike or unprofessional;

D was violent and intimidating; and

D brought or may have brought football and/or Football NSW into disrepute and/or damaged the reputation and goodwill of the game.

Relevant Conduct

The relevant conduct alleged exhibited by Members/Participants of the Respondent was as follows:

In the 87th minute of the match, a fight occurred between a player from Nepean FC and Southern Branch FC. Members/Participants of the Respondent then ran from the Technical Area (substitutes bench) and entered the Field of Play towards where the players were fighting and it was alleged struck one or more Nepean FC players. Members/Participants of the Respondent were wearing coloured bibs over their football shirts and were clearly identifiable.

A Melee of players had formed prior to the arrival of the Members/Participants of the Respondent. The three Match Officials attempted to record incidents that took place during the Melee however as there were many players involved it was difficult for the Officials to identify the relevant participants.

Subsequent to this incident, as it took some time for the officials to restore order as well and ensure the safety of all players, the referee issued the three Members/Participants of the Respondent with Red Cards, two for Violent Conduct (R2) and one for a second Yellow Card (R7).

C. THE HEARING

The Respondent produced a Notice of Response dated 3 June 2016 and entered the following pleas:

"I am pleading GUILTY to Charge 1 but do not accept the report(s) attached to the Notice of Charge."

No plea was entered for Charges 2 and 3 as required.

The Respondent was represented by Mr McColl, a former employee of FNSW.

The Tribunal heard evidence from both Nepean FC and Southern Branch FC in relation to the concurrent charges brought against those Clubs relating to the alleged failure to control their Players, Members and Spectators.

Both Clubs confirmed that they ensure that their Members are aware that unauthorized entry into the Field of Play is not permitted and that all Players sign a Code of Conduct with the Club that acknowledges that and many other relevant prohibited forms of conduct.

The Respondent entered a plea of Guilty for Charge 2. In relation to Charge 3, the respondent disputed the fact that Ms Williams, the spectator, was a Member of Southern

Branch FC. Mr Shane Merry from Football NSW confirmed that as at the date of the relevant incident, Ms Williams was a registered member of Southern Branch FC on the My Football Club database.

D. BACKGROUND, SUBMISSIONS & EVIDENCE

In relation to Charge 1, the Respondent did not make any submissions relating to potential sanctions that should apply as a result of the conduct of its Players.

In relation to Charge 2, the Respondent did not make any submissions relating to potential sanctions that should apply.

In relation to Charge 3, the Respondent denied that it had knowledge or control of Ms Williams or that she was a Member of the Respondent.

E. CONSIDERATION & DETERMINATIONS

The action of illegally entering the Field of Play from the Technical Area by the Southern Branch Players could have led to an escalation of the melee by way of inducing other players and spectators to become involved. The claim by those Players that they did not know that this was not permitted after more than a decade of playing football was unbelievable. They claimed that the Club did not educate her that such behaviour was not permitted.

Further, the claim by the Southern Branch substitutes that their Navy training governed their behaviour at all times was of great concern for the Tribunal. How could these Players not understand that non-combat rules of behaviour applied in civilian circumstances let alone on a football pitch? This aspect of their evidence was not credible. If it was far harsher sanction would have been applied to the Respondent.

However, the evidence offered by the three independent witnesses, the Match Officials, was so inconsistent in relation to the allegations of Violent Conduct that the Tribunal was unable to find that Charge proved on the balance of probabilities. Therefore, although Charge 2 was proven to have taken place, that is the issue of 3 Red Cards, no sanction on Southern Branch was appropriate.

Contra, there was no doubt that a melee involving several players took place and that striking by unknown players also took place during that melee. The Match Officials were unable to collectively identify those Player who were responsible for these actions.

The Tribunal does NOT attribute fault in any way to the Match Officials as a result of this finding. Mass Player confrontations are difficult to control and often it is even more difficult to accurately identify those responsible in the absence of video evidence.

The Tribunal therefore found the Respondent Guilty under Charge 1.

In relation to Charge 3, the Tribunal found the Charge prove and given the lengthy absence of Ms Williams the most appropriate course of action was to hold Southern Branch FC as responsible for her actions as permitted under Section 15.6 of the regulations.

F. FINDINGS

The Tribunal finds the Respondent GUILTY of all Charges.

G. SANCTIONS

The Tribunal imposed the following sanction on the Respondent under Sections 15.4(d), (f) and (g) and Section 15.6 of the Football NSW Regulations.

The Respondent is fined \$2,000 for the behaviour of its Players and Members

The Tribunal places Southern Branch FC on a bond of a further \$1,000. If this Southern

Branch FC WNPL2 team or its Players offend again in a similar manner within the next twelve (12) months, the Tribunal may direct that this Bond be forfeited to Football NSW in addition to any other sanction it may impose.

The Tribunal determined that the Respondent also pay the costs of the Tribunal processes as determined by FNSW.

Aggrieved parties to a determination of the FNSW General Purposes Tribunal may lodge an appeal to the FNSW Appeals Tribunal in accordance with articles 8.6 and 9.2 of the FNSW Grievance and Disciplinary Regulations. Any appeal must be submitted on the Notice of Appeal form (Prescribed Form 13) to tribunal@footballnsw.com.au with the relevant Application Fee (\$750) within seven (7) working days of the Final Determination of the GPT being sent to the Club.



David P. Lewis

Chairman

8 June 2016

