



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

MGPT 16/31

Date of Hearing	20 June 2016
Date of Final Determination	24 June 2016
Respondent	Mr X
Attendees & Witnesses	Mr X Ms Z (Mother) Mr Y (Father) Mr AA (Secretary, St George FC) Mr BB (Technical Director, St George FC) Mr CC (Director, St George FC) Mr Will Aplin (Football NSW)
The basis upon which the matter is before the General Purposes Tribunal	Football NSW Grievance and Disciplinary Regulations Section 8.5 for alleged breaches of Sections 15.4(d), Schedule 3, Table A, No 1.
Key Words/Phrases	Red Card issued to player for Serious Foul Play, Meaning of Serious Foul Play.
General Purposes Tribunal Members	Mr David P. Lewis (Chair) Mr Louis Fayd'herbe Ms Mendo Cklamovski

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 8 April 2016.

The Charge related to an alleged incident during the Under 15s Match of the National Premier League Tier 1 Youth (NPLT1Yth) competition between APIA Leichhardt Tigers FC and St George FC at Lambert Park Leichhardt on 4 June 2016. The Respondent (X) was issued with a Red Card (R1) for Serious Foul Play.

The Notice to the Respondent specified the following charges:

Charge 1

Alleged breaches of Section 15.4(d) of the Football NSW Grievance and Disciplinary Regulations 2016, Schedule 3 Table A Number 1.

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 these Regulations including the Offences set out in Schedule 3: Table of Offences.

Relevant Conduct

The relevant conduct alleged exhibited by the **Respondent** was as follows:

On 4 June 2016, during the Under 15s Match of the National Premier League Tier 1 Youth (NPLT1) competition between APIA Leichhardt and St George FC at Lambert Park Leichhardt, the Respondent, Mr X, the goalkeeper for St George FC, was shown a Red Card for Serious Foul Play (R1).

An APIA Leichhardt Player (A) was running down the right wing towards the goal with the ball in his possession. The Respondent, X, who at the time was playing goalkeeper, ran approximately 10 metres outside the penalty area and in full sprint jumped and lunged with excessive force at Mr A. Mr X's front leg with its studs showing made contact at full pace with Mr A's shin. Due to the incident Mr A's right leg was broken and required surgery.

Football NSW charged the Respondent with an offence relating to this incident.

A video of the incident was made available to the Tribunal and this evidence, together with the Match Officials' Reports, were relied upon by FNSW for the Charge against the Respondent.

C. THE HEARING

The Respondent produced a Notice of Response dated 26 April 2016 and entered the following plea:

"I am pleading NOT GUILTY to the charge."

The Respondent was represented by his parents together three other senior members of the St George Club.

D. BACKGROUND, SUBMISSIONS & EVIDENCE

The Respondent and his parents submitted written statements supporting the plea of Not Guilty to the Charge. Substantial photographic evidence was tendered to the Tribunal by the Respondent in these submissions mostly taken from the video evidence provided by an APIA Leichhardt spectator.

In summary in the submissions it was claimed that:

1. A charge of Serious Foul Play could not be sustained as the tackle and actions of the Respondent did not amount to a foul at all let alone a Red Card;
2. The reports of the Match Officials were inconsistent;
3. The Respondent was justified in running towards the APIA Player as he was entitled to attempt to clear the ball;
4. The Respondent's running approach and body position was inconsistent with an act of Serious Foul Play given the position of his feet and his attempt to slow down. Extensive submissions were made relating to individual images of the incident and it was claimed that such a viewing of the video was consistent with a view that the Respondent did not intend to injure the APIA Player.
5. The video evidence did NOT support the charge.
6. The Respondent played the ball first and therefore this was not a foul.
7. There were extreme weather conditions in Sydney that day and therefore the pitch was slippery and this contributed or was the principal cause of the injury suffered by the Apia Player and not the actions of the Respondent.
8. The Referee's Match Report is significantly inconsistent with the actual facts of the incident in that the photographic evidence clearly showed that this was not a 'studs up' challenge. Therefore the imputation was that the Referee and ARs could not be relied on for an accurate assessment of the tackle.
9. At no time was the Respondent's foot in the air, had studs showing, did not lunge at the Apia Player and in fact did none of the things alleged in the Referee's Match Report.

Report from Family Chiropractor

Mrs Z also tendered a letter from the family Chiropractor, dated 16 June 2016. In this letter the Chiropractor confirms that he was sent the X-Ray of the APIA Leichhardt player, Mr A, by the parents of the Respondent and asked to give his professional opinion.

The Chiropractor did not examine Mr A and relied on the X-Ray sent to him. He concluded as follows:

"I have carefully reviewed a clear X-Ray image of the fracture to Mr A's lower limb, which is consistent with a Spiral Fracture of the Tibia and Fibular. The nature of this fracture is consistent with a torsional (Twisting) load through the lower limb.

Combining this information, it is concluded that the medial aspect (Tibial Side/Inside) of Mr A's Left lower limb has made contact with the lateral aspect (Fibular Side/Outside) of Mr X Right lower limb. At this point Mr A's body momentum has continued forward creating the twisting load that has subsequently caused the Spiral Fracture to his left lower limb. This is further confirmed with the distal Tibia & Fibular displacing laterally following the impact.

In my professional opinion it is not feasible to have been a direct impact made to the outside of Mr A's lower limb via the Fibular (a considerably thinner bone than the Tibia) which has then broken through the Tibia (a considerably thicker bone) without further fractures through the Fibular. This would have most likely resulted in a Compound Fracture of the Fibular which is clearly not seen in the X-Ray image provided."

The proffering of this medical opinion raises two issues of concern for the Tribunal.

1. Breach of Section 12.19(b) and (c) of the Regulations

These Sections provide the following:

12.19 Publication and Confidentiality

(b) All evidence and information provided in proceedings of a Tribunal must be treated in the strictest confidence. Parties, their representatives and all witnesses must not use or disclose to any third party any confidential information obtained during the course of any investigations or proceedings.

(c) A breach of section 12.19(b) is deemed to be contempt against a Tribunal and the offender may be sanctioned pursuant to section 12.15 (Contempt against a Tribunal).

The Respondent, via his parents, has disclosed personal medical records of another party without either the consent of that party or Football NSW. This is clearly a breach of confidentiality of the Regulations under Section 12.19 and the Tribunal recommends that FNSW consider further action in relation to this serious breach.

However, of greater significance is the fact that the Respondent's parents have disclosed this medical information without the consent of Mr A.

2. Admissibility of Evidence

Further, there is a question of the competency of the Chiropractor to give a professional opinion in such a matter as well as the relevance of this evidence. In the absence of any evidence to support the expertise of the Chiropractor to offer an opinion on the injury, the Tribunal elected to exclude this evidence.

It is relevant to note that the extent, nature or reasons for the injury to Mr A is not the test as to whether the Respondent is guilty of Serious Foul Play.

E. CONSIDERATION & DETERMINATIONS

The Laws of The Game (LOTG) of Football make it perfectly clear that a tackle of an opponent that involves excessive force or brutality are Fouls that are punishable by way of a Direct Free Kick (DFK)¹. This same Law makes it clear that a player who is guilty of Serious Foul Play (R1) must be sent off, that is, must be issued with a Red Card.

In relation to Serious Foul Play, the Interpretations of the LOTG provide the following guidance:

¹ Law 12 FIFA LOTG

Serious foul play

A player is guilty of serious foul play if he uses excessive force or brutality against an opponent when challenging for the ball when it is in play.

A tackle that endangers the safety of an opponent must be sanctioned as serious foul play.

Any player who lunges at an opponent in challenging for the ball from the front, from the side or from behind using one or both legs, with excessive force and endangering the safety of an opponent is guilty of serious foul play.

Advantage should not be applied in situations involving serious foul play unless there is a clear subsequent opportunity to score a goal. The referee must send off the player guilty of serious foul play when the ball is next out of play.

A player who is guilty of serious foul play should be sent off and play is restarted with a direct free kick from the position where the offence occurred (see Law 13 – Position of free kick) or a penalty kick (if the offence occurred inside the offender's penalty area).²

The Tribunal viewed the video of the incident several times prior and during the Hearing.

The video was taken at quite some distance from the relevant incident and does not have a clear view of the tackle. After the most recent renovations, APIA Leichhardt Tigers president Mr Tony Raciti reported that:

“The playing area is 109m x 68m and it's the biggest natural dirt infill in the Southern Hemisphere,” he said. “Lambert Park is now bigger than Old Trafford, Emirates Stadium, Bayern Munich's Allianz Arena, Juventus Stadium in Turin, Ajax Amsterdam's ground, Benfica's ground and even bigger than Brazil's World Cup final venue.”³

In other words, Lambert Park is a very large pitch. Each half of the pitch would be about 54 metres. The Penalty Area is 16.5 metres deep so on this pitch the distance between Penalty Areas is 76 metres.

The incident took place about 10 metres outside the Respondent's Penalty Area.

From the angle of the photos taken from the video the camera operator would have been no closer than the Penalty Area at the other end of the pitch. That means that the video was shot from at least 66 metres away. Therefore the images we can see both on the video and in the photos are very unclear and do not, with respect to the submissions tendered by the Respondent, give a clear view at all of the incident.

The Referee conversely is in a far better position to judge the nature of the tackle and make a determination.

The photos show that the referee was on the edge of the centre circle at the moment of impact. This means that the Referee was 9.15 metres from the half way line inside the half of the field where the incident took place. Therefore the referee was approximately 18 metres away from the incident and with a clear and unobstructed view (54m – 16.5m – 10m – 9.15m).

Given the considerably better perspective of both the Referee and the near-sided AR, the Tribunal far preferred the evidence of the Referee. In any case, the video corroborated the Match Report insofar as it identified the tackle by the Respondent as consistent with the definition of Serious Foul Play.

² Law 12 FIFA LOTG p 126 (p70 Aust)

³ <http://www.footballnsw.com.au/index.php?id=154>

“I got the Ball Ref!”

There is considerable misunderstanding of the LOTG by Players, Spectators and even coaches often claim that no foul is committed if a Player plays the ball first.

For a tackle on an opponent to be a foul the challenge must be “*careless, reckless, or with excessive force*”. That means regardless of the fact that the player got the entire ball, partial ball, or even a small piece of the ball, the challenging player may still commit a foul at the same time or immediately after the challenge. The tackling of an opponent to gain possession of the ball is legal under the Laws of the Game but must also be fair regardless of the contact that is made with the ball. Players do not have the right to endanger another player when challenging for the ball or commit a secondary foul.

There is considerable precedent that establishes that the conduct of the Respondent amounted to Serious Foul Play and that not only has he been correctly charged by FNSW, the referee has correctly awarded a Red Card for Serious Foul Play (R1).

F. FINDINGS

The Tribunal finds the Respondent, Mr X, GUILTY of the charge.

The Respondent pleaded NOT GUILTY to the Charge and sought to excuse his conduct (by way of submissions from his parents and others) as NOT amounting to liability under the Charge related to the relevant incidents.

The Tribunal found the submissions offered by the Respondent, both verbally and in writing, to be wholly inconsistent with the evidence in the matter. The attempt to apportion blame to any other person for the actions of the Respondent was totally rejected by the Tribunal.

The Tribunal determined that this was a very serious offence and if the Respondent was a senior player, a far greater sanction would be imposed.

G. SANCTIONS

The Tribunal imposed the following sanction on the Respondent under Table A, R1 - Offences by Players: “*Serious foul play*”.

The Respondent is suspended for **six (6) Fixtures for the offence under the Charge** from all Football related activities, including spectating and training. This reduced suspension has been imposed based on the age of the Respondent.

As the Respondent has already served a **three (3) Fixture suspension** he is suspended for a further **three (3) Fixtures**.

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 8.8 and 9.2 of the FNSW Grievance and Disciplinary Regulations. Any appeal must be submitted by completing the online Notice of Appeal form (Prescribed Form 12) available on the FNSW website and lodging the relevant Application Fee (\$750) within seven (7) working days of this Determination being issued.



David P. Lewis

Chairman

24 June 2016

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	Statement - B
	Statement - A
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	Video of Incident - APIA v St George FC