



**FOOTBALL
NSW**

APPEAL TRIBUNAL OF FOOTBALL NEW SOUTH WALES
DETERMINATION IN THE FOLLOWING MATTER:

Player/Official/Member/Association Member/Participant/Club	Antonio (Tony) Crecca
Decision Appealed	A decision of the Central Coast Football Appeals Tribunal (CCFAT) by which it confirmed, but varied, the Central Coast Football Judiciary Panel (CCFJP) decision of 3 September 2015 (as confirmed by the CCFAT on 8 October 2015) to suspend the appellant for 5 years from all football activity (with 3 years to serve and 2 years suspended). This determination arose as a consequence of Mr Crecca's 'Breach of the CCF Code of Conduct', giving rise to a punishable offence (see Table C item (f) of the Central Coast Football Disciplinary Policy & Process Manual 2015).
Date of Decision	14 March 2016
The basis upon which the matter is before the Appeals Tribunal	Regulations ss 9.1, 9.2, 9.3, 9.5.
Ground(s) of Appeal	Regulations 9.3(d) &(e)
Date of Hearing	14 March 2016
Date of Determination	14 March 2016
Appeals Tribunal Members	Iain Todd, Chair Julia Sorbara

	Iain Rennie
Attending	Aaron Quill - Wyoming FC Antonio Crecca Bernie Carbonne - CCF

A. INTRODUCTION AND JURISDICTION

1. The Appeals Tribunal (**AT**) has been established in accordance with section 9.1 of the Football NSW Grievance and Disciplinary Regulations (**Regulations**) to determine appeals from the Disciplinary Committee (**DC**), the General Purposes Tribunal (**GPT**) and the Association Appeals Committee (**AAC**) but subject to the limitations provided in that section.
2. The sole grounds of appeal to the AT are prescribed by section 9.3 and are as follows:
 - (a) a party was not afforded a reasonable opportunity to present its case;
 - (b) lack or excess of jurisdiction;
 - (c) the decision was affected by actual bias;
 - (d) the decision was one that was not reasonably open having regard to the evidence before the decision-maker; and
 - (e) severity, only where the decision imposed a sanction of at least:
 - (f) a Fixture Suspension of 6 or more Fixtures; or
 - (g) a Time Suspension of 3 or more months; or
 - (h) a fine of \$3,000 or more; or
 - (i) a loss of 6 Competition points; or
 - (j) expulsion from a competition.
3. On 3 September 2015 the CCFJP determined that the Appellant had sworn at the coach of an opposing team and acted aggressively to him immediately after the game, while players were on the field themselves engaged in aggressive conduct. The Appellant was the coach of a team participating in an U15A final between Wyoming (the Appellant's team) and East Gosford.
4. Despite there being some contest from witnesses who attended and provided their testimony at the hearing on 3 September 2015, it would appear that the CCFJP found that the Appellant made the remarks and conducted himself aggressively when in close proximity with the opposing team coach. Whilst the CCJP issued a written determination on 4 September 2015, it was brief and focused on the Panel's conclusion and penalty. Regrettably the CCFJP did not set out their deliberations, their views on the various evidence presented and submissions made, nor on their weighting of the Appellant's conduct when determining the penalty. Though a transcript of Mr Crecca's hearing was provided to the AT in the supporting material, it is unclear as to the status of this document or the weight that can be applied to its contents. The AT noted that this document did not reveal any deliberations or conclusions of the CCFJP.

5. Mr Crecca subsequently appealed the determination of the CCFJP. An undated letter on Wyoming Football Club Inc letterhead stated the intention to appeal as to severity of suspension. A suspended fine against the Club was also part of that appeal. No such appeal by the Club forms part of this determination.
6. The CCFAT upheld the CCFJP determination, but varied the penalty such that the exclusion from participating in all football activity was reduced to 3 years to serve and 2 years suspended. Regrettably, no reasons were provided.
7. The Appellant appeals to the AT pursuant to s 9.6 of the Regulations.
8. By his Notice of Appeal dated 12 November 2015, Mr Crecca appealed to the AT on the grounds of severity of penalty and that the determination of the CCFAT was not one that was reasonably open to the relevant body.

B. BACKGROUND FACTS

9. Whilst on the field following the conclusion of a final, the Appellant reacted to a flare-up between opposing players leaving the field and moved to intervene, in part in response to similar conduct of the coach of the opposing team. It would appear that a brief verbal altercation occurred between opposing coaches, but was defused by the intervention of the Assistant Referee who stood between the coaches.
10. As the participants were leaving the field the issue was briefly reignited by the intervention of a 3rd party, an off-duty policeman and coach of a different team, who voluntarily engaged with the participants by displaying his badge and ordering them to leave the arena and to walk away. In retrospect these actions, whilst complied with, appear unhelpful and confusing, as the matter was already under control.
11. Pursuant to a letter dated 31 August 2015 to Wyoming Football Club, that Club, the Appellant and a member of the 15A team were notified that they were charged with 'Breaching CCF Code of Conduct' and of a hearing date.
12. Unfortunately that letter did not particularise which provisions of the CCF Code of Conduct (**Code**) were applicable to each charged person, nor provide a copy of that Code (nor direct where the Code could be accessed). At the hearing of this Appeal the AT was assisted to a website maintained by CCF that contains a copy of the Code. Unfortunately it appears that the particular provisions allegedly breached by Mr Crecca were not discussed at either of the proceedings below.

C. THE DECISION THE SUBJECT OF THE APPEAL

13. That:
 - (a) the Appellant be suspended for 3 years (with 2 additional years suspended);
 - (b) the suspension applies to participating in all football activity.

D. THE GROUNDS OF APPEAL

14. The Notice of Appeal articulates the following grounds:
 - (a) that the penalty was too severe.

(b) the decision was not one reasonably open to the CCFJP and CCFAT having regard to the evidence before those bodies.

15. The AT heard the appeal on the evening of 14 March 2016.
16. The Appellant attended the hearing with the President of Wyoming Football Club, Mr Aaron Quill. Mr Carbonne attended on behalf of Central Coast Football Limited.

E. CONSIDERATION AND DETERMINATION

17. In the absence of the deliberations of CCFJP and CCFAT, the AT focused on Mr Crecca's response to comments attributed to him in the transcript the CCFJP hearing. These comments and Mr Crecca's responses were also considered in light of various written submissions provided to the AT, particularly those of the Assistant Referee, the opposing coach and the off-duty policeman who voluntarily intervened into the latter stages of the incident.
18. Mr Crecca conceded that he had been on the field and amongst the players at the relevant time. He also conceded that in an effort to calm a flare-up between opposing players he had come into close proximity with his opposing coach and had used intemperate language.
19. Accordingly the AT determined that Mr Crecca's second ground of appeal was not substantiated. On the facts it was reasonably open for the CCFJP and CCFAT to determine that Mr Crecca had breached the Code.
20. In relation to the severity of the penalty the AT considered the events immediately preceding, during and after the relevant event.
21. It appears to the AT that Mr Crecca regretted this conduct, and that on reflexion it was an emotional reaction to fast occurring events. The events appear to have arisen and passed within minutes.
22. Perhaps regrettably, the conduct of the off-duty policeman may have extended and exacerbated circumstances that were otherwise naturally abating.
23. The AT accepts that there was no physical contact between the coaches. This is substantiated in the evidence of the Assistant Referee who stood between the coaches before they left the field. It appears that the offensive language was not only that from Mr Crecca, but that his opposing coach was a willing contributor.
24. However Mr Crecca was an experienced coach. He should not have been on the field and he should not have traded insults with his opposing coach. It was inappropriate conduct for the coach of a football team and falls short of the legitimate expectations imposed on those who mentor of teenage players.
25. The AT considers that the penalty imposed by the CCFAT was too severe, both as to the duration of the penalty and also as to the exclusion of Mr Crecca from participating in all football related activity.
26. Absent a similar offence committed by Mr Crecca early in the 2015 season, the AT would have considered a nominal penalty appropriate, consistent with the shorter end of the spectrum of penalties suggested in the Central Coast Football Disciplinary Policy and Process Manual 2015 - see Table C re Breaching the Code of Conduct.
27. We acknowledge Mr Crecca's remorse for his conduct. Although not directly on point, we also acknowledge the impact that the original determination (and the

appeal below) had on Mr Crecca directly and indirectly through the impact on his family.

28. However, in Mr Crecca's circumstances a nominal penalty is not the appropriate or proportionate response. Mr Crecca's behaviour fell short of, and breached, his obligations under the Code on two occasions in the 2015 season. Accordingly Mr Crecca deserves a more meaningful penalty.

F. RELIEF

29. Pursuant to section 9.4(b) of the Regulations, the AT has broad powers to deal with Appeals.
30. In response to Mr Crecca's appeal the AT rejects it in part. We confirm the finding of CCFAT that Mr Crecca's conduct was in breach of the Code and accordingly was a decision reasonably open to that body.
31. The AT upholds the Appeal in part and orders that Mr Crecca's penalty be and is varied to the following:
- (a) Mr Crecca is suspended, with 2 months to serve from the date of this Appeal.
 - (b) the suspension applies only in relation to Mr Crecca's ability to participate in football as a coach or official.
32. In making this determination the AT considered the following factors as material:
- (a) Mr Crecca's conduct was offensive and unwarranted, but was at the lower end of the punishable spectrum;
 - (b) Mr Crecca had been charged and punished earlier in 2015 for a similar offence in regard to behaviour involving intemperate language towards an opposing coach during the course of a game;
 - (c) Mr Crecca's conduct on 3 September 2015 was not premeditated or intentional, and may have been a spontaneous action to prevent a minor player related incident becoming more serious;
 - (d) Mr Crecca acknowledged the error of his conduct and is remorseful;
 - (e) However the AT noted, and Mr Crecca accepted, that such behaviour does not meet the standards required of a coach under the Code and of a mentor of impressionable teenage players.

G. RIGHT TO APPEAL

33. A Determination made by the AT in relation to an appeal under section 9.6 is final and binding on the parties to the appeal and no person may institute or maintain proceedings in any court of law or tribunal in relation to such Determination, other than the limited right of appeal to the FFA subject to the FFA Statutes (Regulation 10).

Iain Todd
Chair
Appeal Tribunal
Football NSW