

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

GPT 15/14

Respondents	Mr Mohammed Mansour Arncliffe Aurora FC
Attendees	Mr Al Joman (President, Arncliffe Aurora FC) Mr Sam Hassan (Secretary, Arncliffe Aurora FC) Mr Ali Sabra (Coach, Arncliffe Aurora FC) Mr Hassan Mansour (Member, Arncliffe Aurora FC) Ms Donna Fletcher (Colo Soccer Club, Witness) Ms Deborah Salafia (Glenmore Park FC, 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	Insulting Behaviour, Club Liability for Spectator Conduct
Date of Hearing	13 July 2015
Date of Final Determination	27 July 2015
General Purposes Tribunal Members	Mr Chris Gardiner (Chair) Mr Mendo Cklamovski 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:
3. Breaches of Misconduct and Disrepute as set out in Section 8.2 of the Regulations;
4. Grievances between Members as set out in Section 8.3 of the Regulations;
5. Matters referred by Football NSW's Disciplinary Committee as set out in Section 8.4 of the Regulations;
6. 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).
7. The GPT makes determinations as set out in Section 8.5 of the Regulations.

B. NOTICES OF CHARGES

8. Football NSW issued Notices of Charges against Mr Mohammed Mansour and Arncliffe Aurora FC dated 24 June 2015, alleging breaches of:

(for Mr Mansour) Section 15.3 (d) Schedule 3 Table B Number 7 of the Football NSW Regulations, and/or Parts (a), (e) and/or (i) of the FFA Spectator Code of Conduct, and

(for Arncliffe Aurora FC) Section 15.3 (b), and/or (f) of the Football NSW Regulations, and/or Clauses 2.1 and 2.2(b), (c), (d) and/or (f), 2.3, 3.1 and 3.3 of the FFA Code of Conduct

9. The conduct alleged in the Notice of Charge for Mr Mansour was as follows:

During and at the conclusion of the Under 18s State Cup match between Arncliffe Aurora and Glenmore Park FC at Cougar Park, Colo, on 31 May 2015, the Participant (Mohammed Mansour) used offensive and/or insulting language and/or behaviour towards the Match Official (Adrian McKerrell)

10. The conduct alleged in the Notice of Charges for Arncliffe Aurora FC was as follows:

On 31 May 2015, during the Under 18s State Cup match between Arncliffe Aurora and Glenmore Park FC at Cougar Park, Colo, an Arncliffe Aurora Football Club Spectator (Mohammed Mansour) used offensive and/or insulting language and/or behaviour towards a Match Official (Adrian McKerrell).

Mr Mansour refused to leave the venue despite being requested to do so by a Match Official (Adrian McKerrell) and by the Colo Football Club Ground Managers (Donna Fletcher and Laurence Refalo).

The Arncliffe Aurora Football Club had a Ground Official (X) in attendance at the venue, however, neither he nor any of the Club's Team Officials present at the ground assisted the Match Official (Adrian McKerrell) and Colo Football Club Ground Managers (Donna Fletcher and Laurence Refalo) in ensuring Mr Mansour obeyed the instructions of the Match Official.

Further, Mr X and the Club's Team Officials present at the ground failed to take steps to stop Mr Mansour using offensive and/or insulting language and/or behaviour towards the Match Official (Adrian McKerrell)

11. The Respondents pleaded not guilty to the Charges.

C. DECISIONS OF THE GPT

12. The Tribunal determined that Mr Mansour serve a four (4) fixture suspension from all Football activities, inclusive of any suspension already served.

13. The Tribunal determined that Arncliffe Aurora FC be issued a reprimand and warning.

14. The Tribunal determined that the costs of the Tribunal processes assessed by Football NSW be met equally by the Respondents.

D. THE HEARING

15. The Hearing was held at Football NSW on 13 July 2015.

16. The Tribunal was advised by Football NSW just prior to the hearing that a key witness, Mr Adrian McKerrell, the referee involved in the incident, had advised that he was unable to attend in person or by phone due to health reasons.

17. An additional witness, Mr Laurence Refalo, was unable to attend but had made himself available by phone as needed. The Tribunal did not deem his participation necessary.

18. All witnesses were cautioned on the need for accurate and honest testimony.

19. After receiving submissions from, putting questions to and receiving answers from the Respondents, the Tribunal did not deem it necessary to test the evidence or seek additional evidence from two other witnesses, Ms Fletcher and Ms Salafia.

20. The Respondents were invited to make submissions on jurisdiction and

competence. No submission was made.

21. The Tribunal advised the Respondents of their right to appeal at the conclusion of the hearing.

E. EVIDENCE & SUBMISSIONS

22. The Tribunal accepted as evidence a set of statements submitted by Football NSW with the Notice of Charges that included a report from the referee and statements from Ms Fletcher and Ms Salafia.
23. Mr Mansour's submission was that he had not sworn at the referee and that, whilst accepting that he had dissented and had derided the referee, his behavior was not sufficiently serious to have justified the suspension of the game or the direction that he be evicted.
24. Arncliffe Aurora FC's submission supported that by Mr Mansour. It was their submission that he should not have been asked to leave the ground, that they were not obliged to act as the direction was unreasonable, and that they were powerless to force compliance in any event.
25. The Respondents did not challenge the written statements from Ms Fletcher and Ms Salafia, and so the Tribunal did not call them to test their evidence.

F. CONSIDERATION & COMMENT

26. That a match had been suspended by the referee responding to dissent from Mr Mansour was not in question. Nor was it in question that the referee had not allowed the game to re-commence, and the game had ended without further play, because Mr Mansour had not removed himself from the ground, or been removed from the ground by officials from the two Clubs.
27. On the allegation and charge that he had used offensive language, Mr Mansour received corroboration from witnesses present at the hearing that he had not used swear words in his exchanges with the referee. The Tribunal found these witnesses to be credible.
28. In the absence of the referee to speak to their evidence, the Tribunal was forced to accept, on the weight of evidence, that if the referee had heard swearing from the sideline, it had not been from Mr Mansour.
29. There was no doubt, however, that Mr Mansour had dissented from the sideline and had used insulting language that reflected on the referee's competence in front of the young players.
30. Under Law 5 of the Laws of the Game, a match official has authority to suspend a game "because of outside interference of any kind". The referee in this incident acted under that authority.

31. Under the FFA Spectator Code of Behavior, Mr Mansour was obliged to respect the decision of the referee, and under that Code he could be evicted from the venue if he failed to comply.
32. It was within the authority of the referee to not resume the game until Mr Mansour was evicted.
33. The responsibility for the eviction of Mr Mansour was held jointly by the local Ground officials and Mr Mansour's visiting Club officials. Nevertheless, the opportunity and responsibility fell, in the first instance, on the Club officials who knew Mr Mansour to obtain his compliance with the direction to leave. They failed to fulfill that responsibility.
34. The Club is liable both for the misconduct of Mr Mansour and for the failure of its officials to manage his conduct and ensure his compliance with the decisions and direction of the match official.
35. The Tribunal accepted the written, oral and video evidence from Arncliffe Aurora FC, however, that there had been no general crowd issues, and no misconduct from Mr Mansour other than insulting dissent. It noted, and commended, the conduct of the Clubs' Players in waiting patiently on the field and accepting that the game did not resume.
36. The Tribunal found that there had been no threat to public, player or official safety in the incident.
37. The Tribunal determined that Mr Mansour was guilty of the charge of insulting language and behavior to a Match Official. It deemed the misconduct to be on the lowest level of seriousness and imposed the minimum suspension required under the Regulations.
38. The Tribunal determined that the Club should be reprimanded and issued a warning. This determination serves as the reprimand and the Club is warned that any future findings of misconduct by its supporters and/or of failure to manage such misconduct would be the subject of significant sanctions.

Chris Gardiner
Chairman
27 July 2015