

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

GPT 15/32

Respondent	Western NSW Mariners FC
Attendees	Mr F Mr N
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	Club Liability for Players & Spectators
Date of Hearing	16 November 2015
Date of Final Determination	25 November 2015
General Purposes Tribunal Members	Mr Chris Gardiner (Chair) Mr Mendo Cklamovski Mr Louis Fayd'herbe

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 Purposes 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. NOTICES OF CHARGES

4. Football NSW issued a Notice of Charges against the Respondent dated 5 November 2015, alleging breaches of:

CHARGE 1: Clauses 2.1 and 2.2(c), (d) and/or (k) of the FFA Code of Conduct, Sections 15.3 (b), (d), (e), (f), (g) and/or (h) and/or Section 16.8(a)(iv) of the Football NSW Regulations,

CHARGE 2: Clauses 2.1, 2.2(c) and/or (k), and/or 2.3, and 3.1 and/or 3.2 of the FFA Code of Conduct, Sections 15.3(b), (d), (e), (f), (g) and/or (h) of the Football NSW Regulations.

5. The conduct alleged in the Notice of Charges for the Respondent was as follows:

CHARGE 1: *During the U16s Round 21 Match in the Men's State League 1 competition between Western NSW Mariners and Stanmore Hawks FC on 15 August 2015 at Glen Willow Stadium, Mudgee, a number of Players from the Western NSW Mariners Football Club (Club) were involved in a melee. One of those Players was X. X jumped the perimeter fence and entered the field of the play and punched a Stanmore Hawks FC Player (Y). Another of those Players was Z. Z entered the field of play from the substitutes' bench and palmed a Stanmore Hawks FC Player (Y) in the face*

CHARGE 2: *During the abovementioned match, a Spectator affiliated with the Western NSW Mariners Club (S) used language and made gestures that were offensive, abusive threatening, intimidating and/or that incited violence. The language used included: "Fucking kill you all, fucking smash you fucking wait for you all outside the ground, you are all a bunch of cunts". The gestures included kicking and throwing punches. The Club failed to take sufficient steps to ensure that the behaviour of this Spectator was appropriate and failed to take appropriate and timely action against the Spectator*

6. The Respondent pleaded not guilty to the Charges in a Notice of Response dated 12 November 2015.

C. DECISIONS OF THE GPT

7. The Tribunal determined that the Western NSW Mariners FC U/16s team had been guilty of team misconduct and the Club was therefore liable for that misconduct under Section 16.8(a)(iv) of the Regulations.
8. The Tribunal imposed a fine of \$1,000.00 on the Club.
9. The Tribunal determined that the costs of that part of Tribunal processes relating to Western NSW Mariners FC, as assessed by Football NSW, be met by the Club.

D. THE HEARING

10. The Hearing was held at Football NSW on 16 November 2015.
11. The Respondent was invited to make a submission as to the jurisdiction or competence of the Tribunal. No submission was made.
12. The Respondent was able to make submissions on the Charges and evidence.
13. The Respondent was issued with a general caution with regard to the need for accurate and honest evidence.
14. The Respondent was advised of its rights to appeal.

E. EVIDENCE & SUBMISSIONS

15. The Tribunal accepted and relied on the following statements provided as Documents and Annexures to Notice of Charges by Football NSW and the Notice of Response from the Respondent:
 - 15.1. Match Official Reports from T and A submitted as Annexures MO1 and MO2
 - 15.2. Evidence and admissions by players X and Z in GPT15-30 and by player Z in the earlier part of the hearing and the subject of a separate Determination (GPT15-32 Z)
 - 15.3. A document titled 'Statement from Western NSW Mariners FC' (undated) under the signature of F
16. The Club accepted that there had been a melee in the U/16s match with Stanmore Hawks on 15 August that had involved its players and officials but disputed the particulars in Charge 1.
17. The Club argued that players and officials from Stanmore Hawks had also been involved but had not been charged.
18. The Club argued that its officials were present and had acted effectively in intervening in the incident involving its spectator and a number of opposition officials and spectators.

F. CONSIDERATION & COMMENT

19. With regard to Charge 2, the Tribunal had found in a separate determination of charges against one of the Club's spectators (S) that he had been involved in a brief incident with opposition officials and spectators in a match at Mudgee on 15 August and had been guilty of unsporting behavior. The behavior was brief, at the lower level of seriousness, and unforeseeable.

20. The Tribunal accepted the Club's evidence that it had acted responsibly, quickly and effectively in bringing an incident involving one of its spectators under control, including removing that spectator from the incident.
21. The Tribunal found the Club not guilty of Charge 2.
22. With regard to Charge 1, the Tribunal had found in separate determinations of charges against the Club's players that its U/16 team members had been involved in a melee in their match at Mudgee on 15 August. One of its players who was not on the match sheet but who was on the bench with the Club's knowledge joined other players in leaving the bench and participating in the melee. An opposition player was seriously injured as a result of violent conduct by one of those players in the melee.
23. The Club acknowledged these facts at the hearing. The facts clearly indicated that the Club was liable for its players conduct under section 16.8(a)(iv).
24. The Club was asked for a submission on an appropriate sanction for its team's misconduct and its liability. It indicated it expected a fine of between \$500 and \$1000.
25. The Tribunal took the view that a fine was appropriate for the misconduct.
26. The Tribunal noted in setting that fine that players, including one not on the match sheet and technically a spectator, and who were under the control of its officials, had left the bench to join the melee.
27. The Tribunal also noted that a serious injury to a young player had resulted from this misconduct.
28. The Tribunal determined that the Western NSW Mariners FC U/16s team had been guilty of team misconduct and the Club was therefore liable for that misconduct under Section 16.8(a)(iv) of the Regulations
29. The Tribunal imposed a fine on the Club of \$1000.00 by way of a sanction for the conduct of its players and in recognition of that liability.
30. The Tribunal determined that the cost of the Tribunal process relating to its matter, as assessed by Football NSW, be met by the Club.

Chris Gardiner
Chairman
25 November 2015