

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

GPT 15/57

Respondent	Imperial Eagles Futsal Club
Attendees	Mr Rui Da Silva, Club President Mr Lugado Andrade, Club Coach Mr Shane Merry, Disciplinary Coordinator FNSW Mr Will Aplin, Manager, Legal, FNSW
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	Breach of Competition Rules, False Information on Prescribed Form.
Date of Hearing	1 February 2016
Date of Final Determination	14 February 2016
General Purposes Tribunal Members	Mr Chris Gardiner (Chair) Mr Louis Fayd'herbe 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 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. NOTICE OF CHARGES

4. Football NSW issued a Notice of Charges against the Respondent dated 26 January 2016, alleging:

CHARGE 1: breaches of Sections 3.2(b) and 6.8(i) of the Football NSW Futsal Competition Regulations, and Section 16.10(a) of the Football NSW Regulations Sections, and, so, of Section 15.3(d) of the Football NSW Regulations.

CHARGE 2: breaches of Sections 2.1 and 2.2(g) of the FFA Code of Conduct and/or Section 3.3(b) and 6.8(f) of the Football NSW Futsal Competition Regulations, and, so, of Section 15.3(d) of the Football NSW Regulations.
5. The conduct alleged in the Notice of Charges for the Respondent was as follows:

CHARGE 1: *On 19 December 2015, at the All Sorts Indoor Sports Centre in Alexandria, the Imperial Eagles Futsal Club (Club) U15 Girls team failed to field at least three players, registered with that team, at the start of its Match against the Western Wolves Futsal Club in the Futsal State League competition.*

CHARGE 2: *Prior to the Match referred to above at Charge 1, a Club Official (Ludago Andrade) completed an online team sheet for the Club's U15 Girls team. The Players listed on that the team sheet were not the Players who participated in the Match.*
6. The Respondent pleaded guilty to the Charges and accepted the reports attached to the Notice of Charges in a Notice of Response dated 28 January 2016.

C. DECISIONS OF THE GPT

7. The Tribunal found that Imperial Eagles were guilty of a breach of:
 - 7.1. Section 2.2(g) of the FFA Code of Conduct (inaccurate information);

- 7.2. Section 3.3(b) of the FNSW Futsal Regulations; and
- 7.3. Sections 6:8(f) and (i) of the FNSW Futsal Regulations,
- And as a result of these breaches, guilty of a breach of:
- 7.4. Section 15.3(b) of the FNSW Grievance and Disciplinary Regulations; and
- 7.5. Section 15.3(d) of the FNSW Grievance and Disciplinary Regulations.
8. The Tribunal determined that should Imperial Eagles be entitled to points in any Club Championship in the 2016-17 Futsal Competition, one-third of those points are to be deducted as a penalty for its breaches of the Regulations in the 2015-16 competition.
9. The Tribunal determined that Imperial Eagles be placed under a bond of \$1000, such bond to be forfeited upon a finding of a breach of these Regulations in the 2016-17 competition.
10. The Tribunal determined that the costs of the Tribunal processes relating to this matter, as assessed by Football NSW, be met by Imperial Eagles Futsal Club

D. THE HEARING

11. The Hearing was held at Football NSW on 1 February 2016.
12. The Respondent was represented by Club President, Mr Rui Da Silva.
13. The Respondent was provided an opportunity to make submissions on the competence and/or jurisdiction of the Tribunal. No submissions were made.
14. The Respondent was cautioned with regard to the accuracy and honesty of any testimony provided.
15. The Respondent was provided with an opportunity to make opening and closing submissions and to argue its case on each Charge.
16. The Respondent was advised of its right to appeal any determination of the Tribunal.

E. EVIDENCE & SUBMISSIONS

17. The Tribunal accepted and relied on Annexures 1, A and MO1 submitted by Football NSW for this matter.
18. The Respondent admitted the Charges and accepted the details provided in the Annexures.
19. The Respondent submitted that there had been no intention to mislead on the day in the relevant paperwork and team fielding, but that the inaccuracies in the team sheet had resulted from a failure of game day administration.
20. The Respondent argued in mitigation that key personnel were either absent on the day or were occupied in other duties and unable to properly manage the documentation and the fielding of the team.

F. CONSIDERATION & COMMENT

21. The facts in this matter were not in dispute.

22. The Tribunal accepted that there had not been an intention to mislead or deliberately field players under false identities.
23. Nevertheless, the Tribunal noted that there had been inadequate oversight and management of the documentation and fielding of one of the Club's teams, that had led to a breach of the competition regulations through the failure to field the minimum number of registered players and a breach of the FFA Code of Conduct through the provision of inaccurate information on a prescribed form.
24. The Tribunal did not accept as mitigation that Clubs involve volunteers in their administration and management, nor the suggestion from the Club that this reliance should be taken into account when considering failure to fulfill the responsibilities and compliance liabilities of Clubs. Clubs freely enter competitions and accept the obligations arising from competition regulations, and must be held to their compliance obligations.
25. The Tribunal found that Imperial Eagles were guilty of a breach of Section 2.2(g) of the FFA Code of Conduct (inaccurate information), Section 3.3(b) of and Sections 6:8(f) and (i) of the FNSW Futsal Regulations, and as a result of these breaches, guilty of a breach of Section 15.3(b) of the FNSW Grievance and Disciplinary Regulations and Section 15.3(d) of the FNSW Grievance and Disciplinary Regulations.
26. The Tribunal considered the most appropriate sanctions to signal the importance of regulatory compliance with regard to team sheet information and game day administration, and to deter the Club and other Clubs from similar breaches in the future.
27. The Tribunal determined that should Imperial Eagles be entitled to points in any Club Championship in the 2016-17 Futsal Competition, one-third of those points are to be deducted as a penalty for its breaches of the Regulations in the 2015-16 competition.
28. The Tribunal determined that Imperial Eagles be placed under a bond of \$1000, such bond to be forfeited upon a finding of a breach of these Regulations in the 2016-17 competition.
29. The Tribunal determined that the costs of the GPT 15-57 processes relating to Imperial Eagles FC, as assessed by Football NSW, be met by the Club.

Chris Gardiner
Chairman
8 February 2016