



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

GPT 17/02

Date of Hearing	16 May 2017
Date of Final Determination	30 May 2017
Respondent	Mount Druitt Town Rangers (MDTR)
Attendees, Witnesses & Documents	As attached in Schedule 1
The basis upon which the matter is before the General Purposes Tribunal	Football NSW Grievance and Disciplinary Regulations Section 8.2, FFA Code of Conduct and Football NSW Competition Regulations.
Key Words/Phrases	Club Liability for actions of Members and Participants and others, Duty of Care, Bringing the Game into Disrepute, Public Place, Breach of FNSW Competition Regulations.
General Purposes Tribunal Members	Mr David P. Lewis (Chair) Mr Ben Jones (Co-Chair) Mr Tyrone Dutt

A. INTRODUCTION AND JURISDICTION

1. The General Purposes Tribunal (**GPT**) has been established by Football NSW (**FNSW**) pursuant to Section 4 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. NOTICES OF CHARGES

2. On 26 April 2017, FNSW issued a Notice of Charge on the Respondent, Mount Druitt Town Rangers FC (**MDTR**) relating to the conduct of its players during the NPL Tier 1 Youth U15s trial match between Mt Druitt Town Rangers FC and Spirit FC at Popondetta Park on 26 February 2017.
3. The Notice to the Respondent specified the following charge:
4. "During the NPL Tier 1 Youth U15s trial match between Mt Druitt Town Rangers FC and Spirit FC at Popondetta Park on 26 February 2017, the Players of the Club were involved in a melee."
5. The Respondent was charged under section 8.2 of Football NSW Regulations (Regulations) for alleged breaches by the Respondent of sections 15.4(d) and (f) of the Football NSW Grievance and Disciplinary Regulations 2016:

6. The Regulations

15.4 Misconduct and Disrepute

Misconduct shall mean any act or omission by a Member which:

(b) constitutes a breach of the FFA Rules and Regulations;

.....

(d) constitutes a breach of these Regulations including the Offences set out in Schedule 3: Table of Offences;

FFA Code of Conduct

Alleged breaches of Clauses 2.1, 2.2(c), and/or (k) of the FFA Code of Conduct (effective from 1 January 2007).

2.1 A Member must not bring FFA or the game of football into Disrepute.

Without limiting the generality of clause 2.1, a Member will be taken as having brought football into Disrepute if any of the following occurs:

2.2(c) offensive behaviour, including offensive, obscene, provocative or insulting gestures, language or chanting; and

2.2(k) any other conduct, behaviour or statement that materially injures the reputation and goodwill of FFA or football generally.

The relevant conduct alleged exhibited by the MDTR Players:

- *was offensive, abusive, harassing and threatening;*
- *was unsportsmanlike or unprofessional;*
- *was violent and intimidating; and*
- *brought or may have brought football and/or Football NSW into disrepute and/or damaged the reputation and goodwill of the game.*

Proposed Sanction

7. Under the Regulations, Football NSW has a discretion to deal with matters without taking the matter to a hearing, provided the Participant agrees to plead guilty to the charge proposed. If the Participant does not agree, then the matter will proceed to a hearing.

8. After reviewing the reports and evidence provided, and based on reference to other similar matters dealt with by Football NSW, the Respondent was offered the following sanction by FNSW in respect of the Charge if the Respondent agreed to plead guilty to the Charge:
9. **Charge One** – the Club is placed on a good behaviour bond of \$1,000 for two (2) years. If the Club, its Players or Club/Team Officials offend again in a similar manner, the bond may be forfeited to Football NSW in addition to any sanctions applicable to the fresh offence/s.
10. The Respondent declined this offer and pleaded Not Guilty to the Charge.

C. THE HEARING

11. The Tribunal convened its hearing at Football NSW offices on 16 May 2017.
12. The Tribunal confirmed with the Respondent that it had received and understood the Notice of Charges and had seen the relevant documents before the Tribunal.
13. The Tribunal cautioned those in attendance regarding conduct and evidence given at the Hearing in that they were obliged to provide accurate and honest testimony to the Tribunal and that any breach of that obligation could of itself be the subject of disciplinary action.
14. The Respondent was advised of his relevant appeal rights under the Regulations.
15. The Tribunal invited submissions on its jurisdiction and competence. No submissions were made.
16. Due to the complexity of this matter and the fact that there were three Players from the Respondent charged with relevant offences as well as one Player from a rival Club, the Tribunal was compelled to conduct a single Hearing in the presence of all accused parties to expedite proceedings.
17. Twenty-seven (27) witnesses and support persons attended the Hearing and written statements from each of these persons plus more were tendered as evidence along with several photographs of the alleged incident.
18. The MDTR Players were alleged to have participated in a melee and some were also alleged to have verbally abused and threatened others as well as engaging in violent acts.

D. BACKGROUND, SUBMISSIONS & EVIDENCE

19. MDTR submitted two written statements in defence of both its Players and the Club. These statements are dated 19 March and 1 May 2017. These documents on the whole failed to address the Charge faced by MDTR. They also sought to blame Spirit FC and attempted to link the events of the relevant match to alleged past behaviour of Spirit FC. The Tribunal found that this was irrelevant to the proceedings.
20. MDTR also submitted that the actions of its Players did not amount to a melee notwithstanding photographic evidence that at least six (6) of its Players surrounded and confronted Mr X, a Spirit FC Player.
21. During the melee there was uncontested evidence that Mr X suffered a bloody nose. It was alleged that one or more of the MDTR Players was responsible for this injury to Mr X. MDTR admitted that this injury took place albeit attempted to minimise the severity of that injury as a form of mitigation, however denied that any of its Players were responsible for that injury.

E. CONSIDERATION & DETERMINATIONS

22. The photographs tendered in evidence made it clear that Mr X was surrounded by MDTR Players and no one else. Given the concession by MDTR that Mr X was injured during this incident, MDTR was clearly estopped from asserting that its Players were not responsible for that injury.

23. Whilst there was insufficient evidence to identify which MDTR Player caused the injury to Mr X, It was clear to the Tribunal that the actions of the MDTR Players clearly caused that injury and that their actions constituted a melee.
24. MDTR also submitted that there was no incursion onto the Field of Play by any of its substitutes, coaching staff or spectators. The Tribunal also rejected that submission.

F. FINDINGS

25. The Tribunal found **Mount Druitt Town Rangers (MDTR)** GUILTY of the Charge.
26. The Tribunal relies upon past decisions of the GPT namely GPT 14/36, GPT 15/44 and [2008] AUESFA 32 in relation to Club Liability for actions of its Members and Participants.
27. In all of those matters tribunals found that Clubs are responsible for the behaviour of its Players and Members.
28. The behaviour of the MDTR Players constituted a melee and as a result Mr X was injured by MDTR Players and the match was abandoned.

G. SANCTIONS

29. The Tribunal imposed sanctions on the Respondent under Schedule 3, Table D, Numbers 2 – Sanctions Imposed by a Tribunal: *“A Fine, bond or costs”*.
30. The Respondent is fined **two thousand dollars (\$2,000)** and is placed on a good behaviour bond of \$2,000 for two (2) years. If the Club, its Players or Club/Team Officials offend again in a similar manner, the bond may be forfeited to Football NSW in addition to any sanctions applicable to the fresh offence/s.
31. 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 of the FNSW Grievance and Disciplinary Regulations. Any appeal must be submitted by completing the online Notice of Appeal form (Prescribed Form 12) to tribunal@footballnsw.com.au with the relevant Application Fee (\$750) within seven (7) working days of this Final Determination being issued.



David P. Lewis
Chairman
30 May 2017

The Schedule

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