

PRELIMINARY NOTICE OF DETERMINATION.
16 June 2021

Reference is made to the following Tribunal:

1. Date of the Tribunal	9 June 2021
2. Tribunal that heard the case	General Purpose Tribunal (GPT)
3. Tribunal reference number	GPT 21-06
4. Tribunal Members	David LEWIS (Chair) Mendo CKLAMOVSKI Pouyan AFSHAR
5. Venue of Tribunal	FNSW Committee Room Valentine Park
6. Time of Tribunal	6.30pm
7. Respondents	Mounties Wanderers FC (MW) Mount Druitt Town Rangers (MDTR)

This document constitutes a Preliminary Notice of Determination resulting from the Tribunal hearing listed above.

The Charge against the **Respondent** under Sections 9.2 and 16.4 of Football NSW Grievance and Disciplinary Regulations 2021 for alleged breaches of the Football NSW Regulations and the FFA Code of Conduct related to an incident during an NPL Under 16's Youth match between Mounties Wanderers FC (MW) and Mount Druitt Town Rangers (MDTR) at Popondetta Park on 8 May 2021.

Summation of the Tribunal:

The Tribunal found that the evidence and submissions:

Supported the Charge brought against the Respondents.

Charges and Pleadings:

Charge 1

In or around the 79th minute of the U16's NPL Youth match between Mounties Wanderers FC (MW) and Mt Druitt Town Rangers FC (MDTR) on 8 May 2021 at Popondetta Park, a melee/confrontation ensued between the Players of both clubs.

Players of Mounties Wanderers FC and/or Mount Druitt Town Rangers instigated and/or participated in that melee.

This conduct was alleged to be in breach of Section 16.4(d) and section 16.6 of the Football NSW Grievance and Disciplinary Regulations, namely -

- Schedule 3, Table C - Offence Code 14-01, "*Instigator of a Melee (Grade 2)*";
or in the alternative,
- Schedule 3, Table C - Offence Code 13-01 "*Participating in a Melee (Grade 2)*"; **or in the alternative,**
- Schedule 3, Table C - Offence Code 12-01 "*Instigator of a Melee (Grade 1)*";
or in the alternative,
- Schedule 3, Table C - Offence Code 11-01 "*Participating in a Melee (Grade 1)*";
or in the alternative,
- Section 16.4(d) and/or section 17.9(b)(iv) of the Football NSW Grievance and Disciplinary Regulations, **or in the alternative,**
- Section 16.4(f) and/or section 16.4(g) and 16.6 of the Football NSW Grievance and Disciplinary Regulations.

Consideration and Determination of the Tribunal

The Tribunal found the Respondent **GUILTY** of Charge 1 under:

Schedule 3, Table C - Offence Code 13-01 "*Participating in a Melee (Grade 2)*".

Football NSW takes a very strong position in relation to the sanctions on Clubs when their players instigate and/or participate in a melee.

In this matter three players were issued with Red Cards by the Match Official, two from MDTR and one from MW. In addition FNSW cited an MW player for alleged additional offences committed during the melee and he was found guilty of those offences and sanctioned. All four Players were found Guilty.

Section 17.9(b)(iv) of the Football NSW Grievance and Disciplinary Regulations 2021 deals with Team Misconduct and that section states:

"Team Misconduct in relation to a Club is where, in a Match:

- . (iv) its Participants engage in a Melee (Grade 1 or Grade 2) or brawl in a Match (regardless of whether or not it is possible to identify the instigators)."*

Section 17.9(c) states:

"Any Club which engages in Team Misconduct will be deemed to have committed Misconduct (section 16.4) and the Executive may, in its absolute discretion, take any relevant action against the Club pursuant to section 9.2 (Charges of Misconduct and Disrepute)."

Video Evidence

Video evidence was made available to FNSW by both Clubs and it was clear that a melee took place and that additional Charges were warranted. It was a credit to both Clubs that they did NOT claim anyone else was to blame for the actions of their Players or that the events were not worthy of sanction.

Potential Sanctions

The minimum sanction for a Player found guilty of "*Participating in a Melee (Grade 2)*" is 12 Fixtures or 3 Months with the maximum being Life. In contrast Violent Conduct attracts a minimum of 4 Fixtures with the maximum being 24 months.

Football NSW has made it perfectly clear that melees have the potential to bring the Game Into Disrepute and these far heavier sanctions reflect an intention to place heavy sanctions on Participants as a deterrent.

In this matter, whilst an instigator could not be identified, many Players from both Clubs were complicit in commencing and inflaming the melee. Their actions injured Players from both teams. One player attempted to kick another on the ground whilst a different player ran onto the Field of Play to join the melee. As a result this melee was more serious and the Sanctions reflect that finding of the GPT.

As noted above, both Clubs expressed considerable contrition and did NOT blame each other, the Match Officials or anyone else. Both exhibited a clear intention to work with each other and internally to ensure that this did not happen again and both advised the Tribunal that they had already taken internal action. They are to be commended for this approach and as a result the Tribunal was more lenient than it otherwise might have been.

Sanctions Imposed

1. Under Schedule 3, Table C – Offence Code 13-01 “*Participating in a Melee (Grade 2)*” the Respondents are both fined \$1,500 and placed on a good behaviour Bond as noted below.

Fines Imposed

\$1,500.

Bonds Imposed

The Respondents are both placed on a good behaviour bond of \$2,000 for two (2) years. If either 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.

Additional Matters and Fees as per the Notice of Costs:

The Respondents are to pay the costs of the Tribunal process as assessed by Football NSW. A full written Determination will not be produced.

Aggrieved parties to a determination of the FNSW General Purposes Tribunal may lodge an appeal to the FNSW Appeals Tribunal in accordance with sections 9.6 and 10 of the FNSW Grievance and Disciplinary Regulations. Any appeal must be submitted on the Notice of Appeal form (Prescribed Form 12) to tribunal@footballnsw.com.au with the relevant Application Fee within 7 working days of the Preliminary Determination of the GPT (or the Final Determination, where the GPT has indicated one will be issued) being sent to the Respondent.



**David P. Lewis
Chairman
GENERAL PURPOSES TRIBUNAL**