

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

GPT 18/75

Date of Hearing	21 November 2018
Date of Final Determination	7 December 2018
Respondents	Sydney City Eagles West City Crusaders FC
Attendees, Witnesses & Documents	As attached in the Schedule
The basis upon which the matter is before the General Purposes Tribunal	Football NSW Grievance and Disciplinary Regulations Section 9.2, 16.4(d), FFA Code of Conduct, FFA National Disciplinary Regulations 2018.
Key Words/Phrases	Use of aggressive and offensive language towards a Referee, Unprofessional Conduct, Threatening or Intimidation of a Match Official by word or action, Threat of physical violence towards a Match Official or his/her family or property.
General Purposes Tribunal Members	Mr David P. LEWIS (Chair) Mendo CKLAMOVSKI Louis FAYD'HERBE

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 2018 Regulations.

B. NOTICE OF CHARGE

2. During the Futsal Premier Leagues 2 (FPL2) 19 Men’s, Open Women’s and Open Men’s matches between West City Crusaders FC and Sydney City Eagles on 3 November 2018 at Hawkesbury Indoor Stadium, players from West City Crusaders FC and Sydney City Eagles, were alleged to have participated in melees in each of these matches.
3. On 9 November 2018, FNSW issued West City Crusaders FC and Sydney City Eagles, (the **Joint Respondents**), with a Notice of Charge pursuant to section 9.2 and 16.4(d) of the Regulations relating to incidents in each of these matches.
4. The Joint Respondents were charged under section 9.2 of Football NSW Regulations (Regulations) for alleged breaches of section 16.4(d) of the Football NSW Grievance and Disciplinary Regulations 2018:
 - a. **Charge 1** related to the 19 Men’s match; and
 - b. **Charge 2** related to the Open Women’s match; and
 - c. **Charge 3** related to the Open Men’s match.

In each case the behaviour of the Joint Respondents was alleged to have been in breach of Schedule 3, Table C, Offence Code 11-01 or in the alternative Offence Code 13-01.

In relation to West City Crusaders FC, its behaviour was also alleged to have been in breach of Schedule 3, Table C, Offence Code 12-01 or in the alternative Offence Code 14-01 in the 19 Men’s and Open Women’s matches.

Respondents’ Submissions

5. West City Crusaders FC (WCC) stated in its Notice of Response to Charge 1: *“I do not accept the charge and plead not guilty.”* WCC did not plead to Charges 2 and 3 in the Notice of Response. At the Hearing WCC pleaded Not Guilty to all Charges.
6. WCC provided a brief Written Statement and made verbal representations at the Hearing. In that Statement WCC noted that:

“Please be advised that West City Crusaders FC plead not guilty, West City Crusaders have been competing in FNSW Elite Futsal competitions for over 15 years in this time our club has never experienced any serious melees? We strongly oppose any sanctions or fines imposed on us as our clean records show.”
7. Sydney City Eagles (SCE) stated in its Notice of Response to Charges 1, 2 and 3: *“I do not accept the charge and plead not guilty.”*
8. The undated SCE Written Statement is attached in Schedule 2.
9. During the Hearing the Joint Respondents conceded that the behaviour of their respective teams was unsatisfactory although neither could explain why three successive matches exhibited the poor player behaviour that the Match Officials were forced to deal with. The Joint Respondents stated that there was no grievance between the Clubs and there had been no prior animosity at all between their administrations or any individual teams.
10. The Joint Respondents were very remorseful during the Hearing and agreed that the events on 3 November, taken as a whole, were a poor example of sportsmanship by all teams and they were ashamed of the spectacle.

C. THE HEARING

11. The order in which the three matches were played on 3 November 2018 was:
 - a. The 19 Men's;
 - b. The Open Women's; and
 - c. The Open Men's.

In each of these matches between WCC and SCE there was alleged to have been a melee and multiple players were issued with Red Cards in each match. Fights and scuffles broke out in each match.

The 19 Men's Match

12. Three players were issued with Red Cards in the 19 Men's match; two from WCC and one from SCE. One WCC player was found guilty of punching a SCE player and abusing a Match Official and was suspended for a total of 9 Fixtures. The SCE player pleaded guilty to punching the above WCC player in retaliation and was suspended for 4 Fixtures, whilst the second WCC player was issued with a Red Card for joining the fight and suspended for 2 Fixtures.

The Open Women's Match

13. In the Open Women's match a player from each team was issued with a Red Card for fighting, punching and the alleged involvement in a melee after the conclusion of the match. The Tribunal found that whilst the scuffle did not amount to a melee, both players were guilty of either joining and escalating the fight or initiating it. Neither was found guilty of punching as there was evidence that a different player was most likely responsible for that offence. The SCE player was suspended for 3 Fixtures and the WCC player for 2 Fixtures.

The Open Men's Match

14. The Tribunal had the benefit of video evidence from the Open Men's match. Far more serious offences took place in this match. This was the final match of the day.
15. The video showed most of the relevant actions of that incident including the brief scuffle of several players including images of a player from SCE kicking a WCC player and a WCC player running in to the resultant scuffle and grabbing that SCE player. This incident ends quickly, although quite a few other players gather to restrain the combatants and the WCC player can then be seen calmly discussing the incident with the relevant SCE player. No punches were thrown by any player and it is clear that post the kick all that takes place is some pushing and grabbing.
16. In that match the Referee is then seen to issue the SCE player with a Red Card for the kick and the WCC player with a second Yellow Card and then a Red Card for his involvement in the scuffle. The SCE player leaves the field of play quickly and orderly. As the WCC player leaves the field of play he waves his finger at the Referee twice – once as he is issued the Red Card and again as he is walking away towards the sideline.
17. At the far left of the video, with 5-6 seconds left to run, one can see the actions of the WCC player as he is then standing just on the field of play. He is standing with two SCE substitute players and an unidentified man in an orange cap. It is reasonable to assume that they are discussing the incident.
18. Referee number 1 tendered the following Match Official Report:

In the 31st minute of the game, after number 18 from Sydney City Eagles kicked a player from West City Crusaders, Number 8 (WCC) came running into this scenario and grabbed onto number 18 from Sydney City Eagles. This player escalated the melee and caused most players to surround around. After the incident broke away, I then gave this player a yellow card which was his second, leading to him being sent off (R7). As he was leaving, he then said "I'll remember you ref for next time", and "That's fucking ridiculous". It was difficult to get him to get removed from the technical area and noticed him abusing the R3, and didn't resume play until he left the area.

Play resumed within 2 minutes of stopping. I was directly in front of the play half way into the pitch (Approx 6-7 metres).

19. Referee number 3 tendered the following Match Official Report:

After the R1 Manwel blew a foul James got up and walked off then came back running in and pushed the Sydney City Eagles player this action escalated everything and another melee started but no punches were thrown so then Manwel gave him his second yellow James carried on his aggressive behavior when he came off he was taking his time and arguing with the players from the other team on the bench when I asked him to leave as an R3 he said "don't fucking be a smart ass to me I'll fucken punch you in the face and bash you" then Manwel the R1 one (sic.) told him to leave then he said "fuck the referees".

20. Under examination, Referee number 1 noted that he saw the WCC player in discussion with Referee number 3 still on the field of play. As he approached the WCC player he heard him say "I'll fucking smash you" to Referee number 3.
21. Referee number 3 confirmed the words the WCC player used to him.
22. The WCC player denied using the words attributed to him in the Referee's Reports and evidence. He did not offer an alternative explanation.
23. Mr Warren Ladd, Club Official from WCC, noted that the coach of SCE ("Roy"), helped to get the WCC player out of the field of play and to walk him out of the playing area. The Tribunal understood this evidence to mean that the WCC player was unwilling to leave and was causing problems in this regard.
24. The SCE player was suspended for 4 Fixtures for the kick at the WCC player. This was at the low end of the scale as it was clear that this was a minor "lashing out" by that player.
25. In relation to the WCC player on the other hand, the Tribunal found that the actions of the WCC player constituted an offence under Schedule 3, Table B, Offence Code 10-01 - "Threat of physical violence towards a Match Official or his/her family or property". The Respondent threatened BOTH Referee 1 and Referee 3 with the latter threat taking place after he had an opportunity to calm himself. He was suspended for 12 Months from all Football Related activities.

D. CONSIDERATION & DETERMINATIONS

26. It was clear from the evidence that players in the two latter matches witnessed the incidents in the prior match between the same Clubs and there was no evidence from the Clubs that they attempted to reduce the tensions on the day either by way of discussion with each other or with the teams competing in subsequent matches.
27. The intensity of the incidents increased during the day.
28. Both Clubs sought to apportion some blame to the Referees for the manner in which they controlled the matches. The Chairman of the Tribunal made it clear to all parties that referees respond to the behaviour of players and can only deal with that behaviour as it is exhibited. If the players did not transgress the Laws of The Game then referees would have little to do. It is not only unhelpful to attempt to criticise the performance of the referees as the cause of misbehaviour of the players, it is a fundamental mischaracterisation of the intrinsic nature of the game and the role that Match Officials play.

Players, and regrettably others at times, breach the Laws of The Game. Match Officials are then charged with the responsibility of enforcing these Laws. A decision by a Match Official NOT to award a free kick or other sanction does NOT give a player or Team Official the right to either dissent from that decision or to take matters into their own hands. Respect of Match Officials is of paramount importance and representations in evidence before the Tribunal that the Match Officials are in some way responsible for the poor behaviour of players is completely unacceptable.

29. The Tribunal noted that in its collective experience over a decade it had never heard a matter in which two Clubs had seven (7) players issued with Red Cards in three consecutive matches on the same day all for fighting related offences. Two of the matches also involved the verbal abuse and/or threat to the Match Officials thereby increasing the severity of these offences.
30. The Tribunal took considerable evidence from all the parties relating to the alleged melees, the length of these events and the actions of all relevant persons in these events. Whilst in each case there was a “scuffle” between multiple players, the Tribunal took the view that each in isolation amounted to a natural “scuffle” that follows a confrontation between opposition players rather than a full-scale “melee”.

What is a “Melee”

31. The Macquarie Dictionary defines a melee as: *“A confused general hand-to-hand fight”*.
32. The Cambridge Dictionary defines a melee as: *“A large noisy uncontrolled crowd, in which people are moving in different directions and sometimes fighting with each other.”*
33. The AFL (Australian Football League - a different game to Football) 2015 Laws offers the following definition: *“an incident involving three or more Players and/or officials who are grappling or otherwise struggling with one another and which, in the opinion of the field Umpire or any other person authorised by the relevant Controlling Body, is likely to bring the game of Australian Football into disrepute or prejudice the interests or reputation of the relevant Controlling Body or the competition(s) conducted by that Controlling Body”*.
34. Football Federation Victoria has defined the terms “Non-Violent Melee” and “Violent Melee”. A Non-Violent Melee *“means a confrontation, altercation and/or a heated exchange of words and/or gestures between 3 or more persons who are either Players or Club Associates whether on or off the field”* whereas a Violent Melee *“means a violent clash, struggle and/or fight, between 3 or more persons who are either Players or Club Associates whether on or off the field, and where 1 or more persons are either physically injured or in FFV’s reasonable opinion likely to have been physically injured, regardless of whether any such injury may be serious or otherwise”*.²
35. The Football NSW Grievance and Disciplinary Regulations 2018 do not define a melee albeit that those Regulations impose very significant sanctions for those found guilty of Instigating or Participating in either a Violent or Non-Violent Melee.³
36. The Tribunal considers that the Macquarie Dictionary definition coupled with the Football Federation Victoria definitions offered the best guidance on what should be considered a melee.
37. To assist future GPTs, this Tribunal suggests that whether a melee took place is a matter of degree and that the individual circumstances of the relevant incident must be taken into account. A simple gathering of players is insufficient to constitute a melee and, the Tribunal suggests, that the mere arrival of a third and fourth player to a scuffle involving the two original combatants is insufficient to characterise that gathering as a melee. However, if the third and fourth players involve themselves in a fight and escalate that fight and are themselves found to have assaulted either the original combatants or others, then such a gathering should most properly be defined as a melee.
38. With all due respect to the Football Federation Victoria, the Tribunal did not consider that a simple *“confrontation, altercation and/or a heated exchange of words and/or gestures between 3 or more persons”* should always be classed as a Non-Violent Melee and that each gathering of persons should be considered in light of the full circumstances of the incident. The Tribunal has found that the test in paragraph 37 above is the better test as to whether a melee has indeed taken place.

¹ FFV GDT Clause 2.23, page 3

² FFV GDT Clause 2.24, page 3

³ Schedule, Table C, Offence Codes 11-01, 12-01, 13-01, 14-01; page 57,58

39. Further, it is common place in both grass-roots football as well as the professional game for players to “gather” around players who have been involved in a serious incident with which a referee may deal by way of either a Yellow or Red Card. Players will commonly engage in a “*a heated exchange of words and/or gestures between 3 or more persons*” and where there is no more than minor push and shove, such incidents are generally not reported as a “melee”.
40. Given the common practice as noted above and the absence of a regular stream of matters alleging Non-Violent Melees, the Tribunal interprets the intention of these sections to impose a higher level of infringement than that expressed in the FFV definition.
41. The Tribunal therefore determined that the players in the three matches did not participate in “Melees”.

Alternative Finding and Charge – Bringing the Game into Disrepute

42. In Section 31.11(f) of the Football NSW Grievance and Disciplinary Regulations 2018, the Tribunal may find that a different charge has been proved. This Section states:

“If a Tribunal is not satisfied to the required standard that a charge(s) before it has been proved, but is satisfied that a different charge(s) has been proved, then provided the Member has been given an opportunity to address the Tribunal in relation to the different charge(s), the Tribunal must find the Member guilty of the different charge(s) and apply the appropriate sanction. A Tribunal may, in its absolute discretion, grant a Member an adjournment for the purposes of answering the different charge(s).”

43. The Joint Respondents were advised by the Tribunal that notwithstanding the finding that a melee did not take place in each of the matches, it was the opinion of the Tribunal that the offence of Bringing the Game into Disrepute (Table C: Other Offences By Members, Code 30-01⁴), was the most appropriate charge for the Clubs.
44. The Joint Respondents agreed that the behaviour of their players was wholly inappropriate and they further agreed that a sanction on the Clubs was both expected and appropriate. The Tribunal considered several past decisions of the Tribunal and the Appeals Committee in relation to this matter.
45. In an appeal lodged by Bankstown City Football Club and by its player coach, Peter Tsekenis⁵ the Appeals Committee of Football NSW considered the test to be applied and the circumstances under which such a finding can be made. In that case, Bankstown City Football Club appealed against the finding that it brought the game of football into disrepute and that it failed to take the necessary steps to control its spectators.
46. In that matter the Appeals Committee noted as follows⁶:

In considering whether the conduct complained about was of sufficient gravity to support the charge of bringing the game into disrepute, the General Purposes Tribunal quite carefully considered the definition of bringing the game into disrepute by consulting Martin Kosla’s important article “Disciplined for ‘bringing’ a sport into ‘disrepute’ – a framework for judicial review.” The article is published in the Melbourne University Law Review [2001] MULR22. The General Purposes Tribunal quoted in full from the critical portion of the argument wherein the author says:

“[the GPT should be mindful of] determining the kind of conduct ‘which reasonable and honest minds could possibly’ categorise as being capable of bringing a sport into disrepute. The key considerations are public exposure and whether the conduct caused injury to the sport, ...”

⁴ FNSW Disciplinary Regulations 2018

⁵ Case No: 07/030 Appeals Hearing, 3 October 2007

⁶ Ibid. P. 2.

The critical elements then are:

- A. Whether there was sufficient public exposure.
 - B. Whether the conduct caused injury to the sport.
47. In the Bankstown matter spectators were involved in significant abuse and several entered the field of play, the referees were subjected to verbal abuse, players entered the spectator area and engaged with the spectators, and most importantly, the club failed to have the player race in place and failed to generally control the area and the spectators and thereby placed the players and the match officials at risk.
48. This matter was particularly serious and as a result in relation to the finding that Bankstown FC had brought the game into disrepute:
- a. Bankstown City FC was fined the sum of \$5,000. The amount of \$5,000 was to be paid to Football NSW within 7 days of the date of receipt of the Notice of Determination; and
 - b. Bankstown City FC was placed on a non-lodgement bond in the amount of \$10,000. During the period from 12 July 2007 up to and including 31 December 2008, in the event of the Club coming to the adverse attention of Football NSW for a proven allegation of Misconduct brought under By-Law 11.5⁷, this \$10,000 amount will be required to be forfeited immediately.
49. In GPT 14/02 Greater Western Sydney Vikings and Sydney City Eagles Futsal Club pleaded guilty to a charge of Bringing the Game into Disrepute as a result of an abandoned match due to fighting by their respective players. Whilst both parties pleaded not guilty to the charges in their Notices of Response, when pressed by the Tribunal for their understanding of the relevant regulations regarding Club liability for player and team conduct in the Regulations, both parties acknowledged the liabilities under the Regulations and changed their pleas to guilty.
50. The action of the parties internally to investigate and sanction players, and their acceptance of the loss of the game and imposition of a reprimand as part of a sanction were taken into consideration by imposing a bond rather than a fine as part of the sanction. Precedent was considered in determining a bond of \$500 for the particular incident.
51. Sydney City Eagles Futsal Club was involved in another similar incident in GPT 14/36 against Sutherland Shire Futsal Club. Once again there was a melee and unauthorised entry onto the field of play by players and others and this behaviour escalated the intensity of the incidents. Previous Bonds were forfeited by both clubs and each Club was fined a further \$2,500 with a new Bond of \$5,000 imposed on both Clubs. Those Bonds expired at the end of the 2015-16 Futsal competition.
52. In another Futsal match in 2014, GPT 14/03, South Coast Taipans FC and Sutherland Shire Futsal Association were found guilty under very similar circumstances. The Tribunal noted in that matter:
- “Such misconduct in Football and Futsal is unacceptable. It is the responsibility of Clubs to ensure internal Club policies and culture, and game day player and crowd management, to prevent and minimise offensive and violent behaviour by team members and supporters, and unauthorised entry to the playing area.”*
53. In December 2016 Sydney City Eagles Futsal Club was involved in another incident. SCE pleaded guilty in GPT 16-47 to participating in a melee and was placed on a good behaviour bond of \$1,000 for two (2) years. Further, that GPT imposed an additional sanction:
- a. *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.*

54. In the current matter, the fact that three consecutive Futsal matches between the same Clubs descended into fights during or at the conclusion of each match and seven (7) players were issued with Red Cards clearly demonstrated a significant failure by the Joint Respondents. On their own evidence, there were a reasonable number of spectators in attendance during the day including many children.

E. FINDINGS

55. The Tribunal found the Joint Respondents Guilty of Bringing the Game into Disrepute and the Tribunal found that this satisfied the test in GPT 16-47 relating to the behaviour of the SCE Club.
56. Under Section 16.4(f) & (g) of the Regulations:
- Misconduct means any act or omission by a Member which:
- (f) brings or, in Football NSW's opinion may bring, the Member, Football NSW or the game of football into Disrepute or adversely affect the image, reputation and goodwill of the Member, Football NSW or the game of football; or
- (g) in the opinion of Football NSW, is or may be prejudicial to the image, interests or reputation of the game of football, Football NSW or any of its sponsors.
57. The Sanction for such behaviour is regulated under Table C - Other Offences by Members. The Sanction for Clubs is: "*Such penalty as Football NSW or the Tribunal determines (if any).*"

F. SANCTIONS AND COSTS

Sydney City Eagles

58. The Tribunal finds that the good behaviour bond imposed on SCE under GPT 16-47 is to be forfeited to Football NSW. Therefore the sum of \$1,000 is to be paid to Football NSW within sixty (60) days of the date of this Determination.
59. As SCE has been involved in multiple similar incidents over the past four years, SCE is fined \$2,000 for the collective behaviour of its Players and Teams. This fine of \$2,000 is to be paid to Football NSW within sixty (60) days of the date of this Determination.
60. SCE is placed on a good behaviour bond of \$5,000 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.
61. The 19 Men's, Open Women's and Open Men's Teams are each to be sanctioned with the deduction of three (3) competition points in the Football NSW Futsal Premier League 2 Competition.
62. When the Joint Respondents play each other on 15 December in the Football NSW Futsal Premier League competition, Football NSW will appoint a Match Commissioner and the costs associated with that appointment will be equally paid by SCE and WCC to Football NSW.

West City Crusaders FC

63. As this was WCC's first such offence, WCC is fined \$1,000 for the collective behaviour of its Players and Teams. This fine of \$1,000 is to be paid to Football NSW within sixty (60) days of the date of this Determination.
64. WCC 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.

65. The 19 Men's, Open Women's and Open Men's Teams are each to be sanctioned with the deduction of three (3) competition points in the Football NSW Futsal Premier League 2 Competition.
66. The Tribunal determined that the Joint Respondents should equally 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 9.6 and 10 of the FNSW Grievance and Disciplinary Regulations 2018. 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 within seven (7) working days of this Final Determination being issued.



David P. Lewis

Chairman

07 December 2018

Schedule 1

Index of Documents

FOOTBALL FEDERATION AUSTRALIA RULES AND REGULATIONS	Football Federation Australia National Disciplinary Regulations
FOOTBALL NSW RULES AND REGULATIONS	Football NSW Grievance and Disciplinary Regulations
ANNEXURE A	Notice of Charge 9 Nov 2018
ANNEXURE B	Notice of Response
ANNEXURE C	Video of alleged incident
ANNEXURE MO1	Match Official Report - Referee number 1
ANNEXURE MO2	Match Official Report - Referee number 2
ANNEXURE MO3	Match Official Report - Referee number 3

Schedule 2

Sydney City Eagles Written Statement

The Executive of SCE Futsal Club have read all reports and would like to make the following statement which we believe relates to each incident.

1. As a Club we do not condone aggressive or violent behaviour. We believe such behaviour is unacceptable.
2. We take strong action if players are awarded a red card and immediately stand them down from training prior to a FNSW determination. Club officials speak to the player individually and the player's team as a group about the aggressive behaviour in the previous game and they are warned that future incidents may result in a player being asked to leave the club. This action was taken after the WCC game with the Youth, Women and Men's teams at training and then again immediately before the next game against Raiders.
3. We do not accept that any of the incidents were a melee. No SCE official, player from the bench, coach or parent entered the field or participated in any of the incidents. There was no pitch invasion. Each incident lasted for seconds and the aggressive behaviour was limited to a few players only. The majority of players from each team tried to separate the couple of players involved and played a constructive role. We agree that the incidents were not acceptable and deserve a penalty - we are only disputing whether they constitute a melee.
4. The referee reports are consistent in one respect that they clearly identify that in the case of Fernandez and Beale, that there was an aggressive action instigated by an opposition player directly targeting them and that Martin Fernandez and Jessica Beale retaliated. The referees acknowledge that Martin was aggressively punched in the face first. Jessica Beale disputes the specific claims made about her behaviour and has pled not guilty to those claims but has truthfully conceded that she did push and pulled another player's shirt. Michael Cimino believes he was initially protecting his team mate after an aggressive action by an opposition player and does not dispute he lashed out with his foot when the opposition player had two hands around his throat.
5. We take these charges very seriously but believe the Club and all SCE officials behaved properly and professionally on the day. Our officials stayed on the sidelines, ensured that the players left the pitch immediately and with no dispute, and we have taken appropriate disciplinary action with the players and discussed the consequences of this behaviour with each team.
6. This statement is made based on our own observation of the incidents, but we would note that there are inconsistencies as well as direct contradictions in the referee's statements making it difficult to know what points the Club and the players need to respond to.
7. The SCE Club would be very grateful to receive further advice from FNSW if they believe there are other actions we could have taken to manage the incident at the time and then subsequently with the individuals involved and their teams.