



REPORT

REVIEW OF FOOTBALL SPECTATOR BANNING PROCEDURE AND RELATED MATTERS

**SUBMITTED TO THE
FOOTBALL FEDERATION AUSTRALIA
BOARD MEETING OF 15 FEBRUARY 2016**

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1. INTRODUCTION

1.1 Background

The sport of football in Australia has experienced significant growth and transformation in the last decade.

One of the most significant features of this has been the establishment of the Hyundai A-League – the national men’s professional club competition.

At the heart and soul of the Hyundai A-League and critical to its continued growth and success are the fans.

Football enjoys something that is quite unique and unprecedented in Australian sport and which is a feature of the Hyundai A-League, being the participation of Hyundai A-League Clubs’ (**HAL Club**) “Active Supporter Groups” within the broader fan base.

The Active Supporter Groups are characterised by their level of passion and organisation in their support for their HAL Clubs. This is manifested, for example, by dedicated stadium areas for the Active Supporter Groups; coordinated, rehearsed chants, led by a conductor, the “Capo”; supporter marches on match day to the stadium; the creation and display of over-sized flags and banners called “TIFOs” and certain defining individual trademarks of the various Active Supporter Groups.

The Active Supporter Groups bring to the Hyundai A-League an atmosphere and fan experience that is generally recognised amongst the public and media as unparalleled in Australian sport and is particularly on show at the intra-city and inter-city big rivalry derbies.

At the same time, there has been incidence of behaviour by a minority of spectators at Hyundai A-League matches that is unacceptable, jeopardises the safety of people at matches and is damaging to the image and reputation of the game. This incidence is extremely low relative to the fan base of the game, but has the potential to detract significantly from the big picture of what football, the Hyundai A-League, Football Federation Australia (**FFA**), the HAL Clubs and the fans stand for.

FFA is the national governing body for football in Australia, and the competition administrator of the Hyundai A-League. In that capacity and working with a range of parties – in particular, the HAL Clubs, venue operators, security advisers and police - FFA has developed a national security program for matches it governs. The program is designed to ensure and protect the safety of people at matches and in so doing safeguard the image and reputation of the game and support its growth and future success. An integral part of the broad security program is a national banning procedure to ban certain persons from attending football matches, most notably Hyundai A-League matches.

While the banning procedure is very important and FFA and its HAL Clubs adopt a zero tolerance policy to unacceptable behaviour, to put matters into perspective, since the Hyundai A-League started on 26 August 2005 until as at the date of this Report, the cumulative attendance at matches is circa **16 million** and the number of bans imposed is **320**.

In late 2015, the unauthorised leaking to and publication by the Sunday Telegraph of the list of banned persons and related issues of concern amongst stakeholders with the implementation of the banning procedure led to fan boycotts of Hyundai A-League matches. Whilst stakeholders universally acknowledge the need and value in having an appropriate banning procedure, key concerns relating to its implementation were articulated being in summary¹:

- (a) the imposition of bans by FFA without giving the person banned a prior opportunity to see the allegation against them and put a case forward before the decision to ban;
- (b) lack of access by the banned person to information and evidence being used by FFA to impose the ban; and
- (c) no right of appeal to an independent body after the ban was imposed.

An important meeting was held between FFA representatives and representatives of the Active Supporter Groups of each of the ten HAL Clubs on 9 December 2015 at which these concerns were discussed in a constructive manner and key principles for a revised banning procedure were identified.

In relation to all of the above, FFA determined to conduct a formal review (the **Review**) led by Mr Chris Nikou (non-executive director of FFA) supported by FFA senior management and external advisers. The FFA Board called for the Review to include stakeholder consultation, and for the report of the Review to be submitted to the FFA Board with recommendations for the Board's consideration and decision by 19 February 2016.

1.2 Terms of Reference of the Review

The terms of reference for the Review are as follows:

- (a) to recommend a banning process consistent with the principles identified on 9 December 2015 at the meeting between FFA and representatives from the Active Supporter Groups of the HAL Clubs;
- (b) to make recommendations regarding flare management; and
- (c) to identify other matters for action related to match day security relationships between FFA, HAL Clubs and Active Supporter Groups.

1.3 Scope of Report

This Report of the Review includes the following:

- (a) who was invited to participate in the Review;
- (b) who participated in the Review;
- (c) background and context regarding the FFA Security Program, of which an integral part is the existing banning procedure applying to FFA sanctioned matches;
- (d) a summary of the existing banning procedure applying to FFA sanctioned matches;

¹ It is recognised that these points are a summary of stakeholder concern and that they may be expressed in a number of different ways - e.g. lack of procedural fairness, not innocent until proven guilty etc.

- (e) comparative research regarding domestic and international banning practices: and
- (f) recommendations arising out of the Review.

2. STAKEHOLDER ENGAGEMENT

2.1 Consultation Process

An extensive consultation process has been undertaken as part of the Review with a wide range of stakeholders invited to participate to contribute their experiences and insights and assist in formulating the Review's recommendations.

The following key stakeholders were invited to participate in the Review:

- (a) Active Supporter Groups;
- (b) HAL Clubs;
- (c) venues which regularly host Hyundai A-League matches;
- (d) State Police Forces who have been actively involved in the existing banning procedure;
- (e) Venues NSW and Visit Victoria who have both been actively involved in the existing program; and
- (f) Member Federations.

A full list of stakeholders invited to participate in the Review is reproduced at Annexure 1 of this Report.

2.2 Submission Process

Stakeholders who were invited to participate in the Review as part of the consultation process were provided with three options. They could participate by phone conference, in person or in writing.

A full list of stakeholders who participated in the Review is reproduced at Annexure 1 of this Report.

Stakeholder input received in the course of the Review has been used to inform the observations and recommendations contained within this Report.

3. THE HYUNDAI A-LEAGUE AND ACTIVE SUPPORTER GROUPS

3.1 Establishment of the Hyundai A-League

The Hyundai A-League was established in 2005, commencing on 26 August 2005. Its establishment followed the deliberate cessation of the former National Soccer League (**NSL**). The history of the NSL (the first national club competition in Australian sport) and the formation of the Hyundai A-League are not the subject of this Report. It is relevant to the Review that the HAL Clubs, originally eight and now ten, were newly formed clubs that did not correspond to the clubs in the NSL. As such, whilst NSL clubs (most now participating in the National Premier Leagues) had and continue to have strong and proud histories of

supporters, the fan/membership bases of these NSL club did not automatically transfer or translate to the HAL Clubs. It is a testimony to the appeal of football and to the HAL Clubs and the fans, that in such a short period, the level of passion, loyalty and commitment demonstrated by Hyundai A-League fans is at the level that is witnessed today.

3.2 Active Supporter Groups

“Active Support” amongst club fan bases is part of the unique fabric of global football and a feature of the Hyundai A-League. The Active Supporter Groups have grown consistently since the inception of the competition and contribute enormously to the unique atmosphere and fan experience at Hyundai A-League matches.

The organisation and operation of Active Supporter Groups is sophisticated and complex. HAL Clubs, particularly those with larger supporter groups, may have more than one Active Supporter Group or the “primary” Active Supporter Group may contain sub-groups. Some sub-groups may elect either not to be officially recognised and connect with their respective HAL Clubs or to do so only on a limited basis. For the purposes of the Review and this Report, the term Active Supporter Group is used to refer to the groups that are officially recognised by and who engage and connect with HAL Clubs as follows:

Active Supporter Group	Hyundai A-League Club
Adelaide United	The Red Army
Brisbane Roar	The Den
Central Coast Mariners	The Yellow Army
Melbourne City	The Melburnians
Melbourne Victory	The North Terrace
Newcastle Jets	The Squadron
Perth Glory	Perth Terrace
Sydney FC	The Cove
Western Sydney Wanderers	Red and Black Bloc
Wellington Phoenix	The Yellow Fever

The three largest Active Supporter Groups connected with HAL Clubs are currently:

- (a) Melbourne Victory (the *North Terrace* with approximately 2,800 members, representing approximately 10% of Melbourne Victory’s membership and 11% of their home match attendance²);

² As at the date of this Report, for Hyundai A-League Season 2015/16, Melbourne Victory has 27,054 members and an average home match attendance of 25,926.

- (b) Western Sydney Wanderers (*Red & Black Bloc* with approximately 2,500 members, representing approximately 13.7% of the Western Sydney Wanderers' membership and 17% of their home match attendance³); and
- (c) Sydney FC (*The Cove* with approximately 1,600 members, representing approximately 12.5% of Sydney FC's membership and 10% of their home match attendance⁴).

Many of the defining and unique characteristics of Active Support have not been traditionally present or permitted at Australian sporting venues – for example, oversized flags, banners, musical instruments and capo stands. FFA and the HAL Clubs have, over time, worked with venues and other relevant parties to deliver concessions that enable these otherwise restricted items to be brought into venues for the purpose of Active Support.

Delivering and maintaining these concessions requires communication and recognition on all sides of the need to ensure that Active Support activities are conducted in a way that does not jeopardise the safety of patrons and the image and reputation of the game.

4. DEVELOPMENT OF THE NATIONAL SECURITY PROGRAM

4.1 History of Security Issues

Football is the global game, far outstripping any other sport in terms of its popularity and reach across the world. The world governing body for the game, Fédération Internationale de Football Association (**FIFA**), has 209 member countries – more than the International Olympic Committee and the United Nations.

As such, football covers the spectrum of the world's population and can serve as a touch point or a stage – both positive and negative – where social, political, racial, demographic and cultural issues, conflicts and behaviours play out. On the negative side, incidents occurring overseas, particularly in key areas of the United Kingdom, Europe and South America have led to associations between the game and conflict and violence. Australia has not been immune from this, including particularly in some instances in the former NSL.

A key objective on the foundation of the Hyundai A-League was to create a national league which was open, accessible and welcoming to all and that provided a safe and friendly environment for all Australians to enjoy “the beautiful game”.

In the first two seasons of the Hyundai A-League there were violent incidents between groups of opposing fans. These represented a threat to the safety and security of members of the public attending the games, as well as to the image of the sport, the HAL Clubs involved and achieving the objective for the Hyundai A-League as a whole as noted above⁵.

³ As at the date of this Report, for Hyundai A-League Season 2015/16, Western Sydney Wanderers has 18,239 members and an average home match attendance of 14,507.

⁴ As at the date of this Report, for Hyundai A-League Season 2015/16, Sydney FC has 12,712 members and an average home match attendance of 16,125.

⁵ Several of the incidents received significant publicity. For example:

In this respect, it is important to note that football is a developing sport in Australia and that it participates in what is probably the most competitive market in the world for spectators, sponsors and broadcasters. The ability of football to achieve the significant growth required to enable it to achieve its goal as the largest most popular game in Australia will depend on maintaining and enhancing its image and reputation as a vibrant, compelling and safe sport.

4.2 The FFA Review of Football's Security Program

Following the incidents in the first two seasons of the Hyundai A-League FFA recognised the need for a holistic response to fan misconduct.

FFA's regulatory framework reflected the typical football governing model under which a club is held responsible for the conduct of its spectators and is open to sanction accordingly⁶. This is the case at both FIFA and Asian Football Confederation (**AFC**) levels where sanctions are applied to national associations for the behaviour of fans at international tournaments such as the World Cup or Asian Cup or to clubs for their fans' misconduct at club competitions such as the Asian Champions League. The AFC, for example, imposes a standard first instance fine of USD\$5,000 on clubs when their fans let off flares and this has impacted HAL Clubs playing in the Asian Champions League such as the Western Sydney Wanderers. AFC's practice is for the amount of the fine to increase for repeat offences, potentially leading ultimately to more severe sanctions such as playing matches behind closed doors or suspension or expulsion from competitions.

Given the Hyundai A-League's infancy and that the HAL Clubs were also new and developing enterprises, FFA determined not to simply apply the conventional model of sanctioning HAL Clubs for spectator behaviour. It decided that a comprehensive, nationally consistent, centralised approach would best serve the Hyundai A-League as a whole and the individual HAL Clubs at that stage in their evolution. Accordingly FFA took the lead in development of this national approach.

The advantage of the centralised model adopted by FFA was that a banned person was excluded from all venues where football matches that are governed by FFA are held. It also meant that bans could be applied uniformly and consistently across the participating HAL Clubs' fan bases.

In 2007 FFA held a competitive tender process to engage an expert security and risk adviser to undertake a review of football's existing security program and implement change. The licensed New South Wales based security advisory, Hatamoto, was selected as the preferred supplier from four candidates. It had particular expertise given its role in crowd control in major events, including the Summer and Winter Olympic Games on four occasions.

The review addressed the following key objectives and requirements:

"...a record-breaking night spilled into violence as soccer fans brawled and fired flares in the Telstra Dome..." and that 'Melbourne Victory will be ordered to segregate rival fans for home finals matches amid accusations from Sydney supporters that police were to blame for chaotic scenes following last Friday's clash between the Victory and Sydney FC at the Telstra Dome...'" (News Ltd December 11 2006).

⁶ Refer FFA National Code of Conduct, clauses 2 and 3.

- (a) to conduct a risk assessment;
- (b) to use that risk assessment to develop a comprehensive security program, modelled on best practice principles adopted from major event and football operations from around the world; and
- (c) to improve the understanding, engagement and sharing of information between FFA, HAL Clubs, venues, contract security providers and police.

Following on from this review FFA developed, in conjunction with Hatamoto, the FFA Security Program, which is discussed below. Hatamoto was also retained by FFA as its specialist security advisers with the following responsibilities:

- (a) annual review of the Minimum Security Standards (**MSS**);
- (b) conduct of and attendance at security workshops for FFA stakeholders;
- (c) research of various stakeholder policy and legislation to drive best practice outcomes;
- (d) identification of tools and processes to assist HAL Clubs and venues to implement the MSS;
- (e) administration support to FFA, including document control of security incidents arising at Hyundai A-League matches;
- (f) assistance with the delivery of Hyundai A-League matches classified as 'high risk' by working with police, venue and the relevant HAL Clubs to ensure a safe environment for spectators, officials and players; and
- (g) management of productive relationships with various FFA security stakeholders, including HAL Clubs, venues, police and venue security contractors.

4.3 Development of FFA Security Program

The FFA Security Program was developed as a consequence of the review that FFA conducted in 2007. It is a comprehensive risk program that is modelled on best practice principles adopted from major event and football operations from around the world including the UK Green Guide⁷.

The FFA Security Program is also compliant with the requirements of the FIFA Stadium Safety and Security Regulations⁸, is risk based, intelligence driven and applicable to all

⁷ The Guide to Safety at Sports Grounds, colloquially known as the Green Guide is a UK Government-funded guidance book on spectator safety at sports grounds. The Guide provides detailed guidance to ground management, technical specialists such as architects and engineers and all relevant authorities. It has no statutory force but many of its recommendations will be given force of law at individual grounds by their inclusion in General Safety Certificates issued under the Safety of Sports Grounds Act 1975 or the Fire Safety and Safety of Places of Sports Act 1987. It is written by the Football Licensing Authority (now the Sports Grounds Safety Authority) and published by the Department of Culture, Media and Sport.

⁸ International matches played within Australia are governed by the *FIFA Stadium Safety and Security Regulations (2013)*. These Regulations contain the safety measures that match organisers, associations and clubs must take to help prevent crowd disturbances and to help ensure a minimum level of safety and order within the confines and vicinity of the Stadium. The Regulations also detail the structural, technical, organisational, and operational measures that must be carried out when international football matches are hosted within Australia. FFA must

international matches played in Australia and to Hyundai A-League matches played in Australia and New Zealand (with scaled versions applicable to the Westfield W-League, Foxtel National Youth League and Westfield FFA Cup competitions).

The FFA Security Program is given effect to through the FFA MSS. The MSS is the primary policy document that establishes FFA's security framework. The MSS details the obligations of all stakeholders involved in match planning and delivery. It describes the agreed and endorsed security standards between FFA and all security stakeholders. The MSS is supplemented by a range of associated Security Policies and Procedures documents.

The MSS is updated annually following a continuous improvement model that incorporates learnings, emerging issues and/or risks, as well as consultation and input from various stakeholders, including internal audits of its implementation at nominated matches.

The object of the FFA Security Program is to identify and mitigate potential security risks, based on a Hyundai A-League wide security risk assessment, with the ultimate aim being to provide a safe and secure environment for all spectators. The MSS provides clear guidelines to all stakeholders, works in conjunction with different legislations in each jurisdiction and complements each venue's own Conditions of Entry by adding a layer that specifically addresses football matches.

The MSS also provides for the management of persons whose behaviour creates risks for the safe conduct and reputation of FFA Events through a centralised procedure which excludes them from attending. Under this program, persons who engage in this behaviour may be excluded from attending future matches for specified periods of time depending on the nature and seriousness of their conduct and the attendant risk. The background to the development of this procedure is dealt with in section 5 of this report.

4.4 Operation of the FFA Security Program

FFA's Security Policies and Procedures support the application of the MSS by detailing and integrating the responsibilities of various security stakeholders including venues, HAL Clubs and contract security providers.

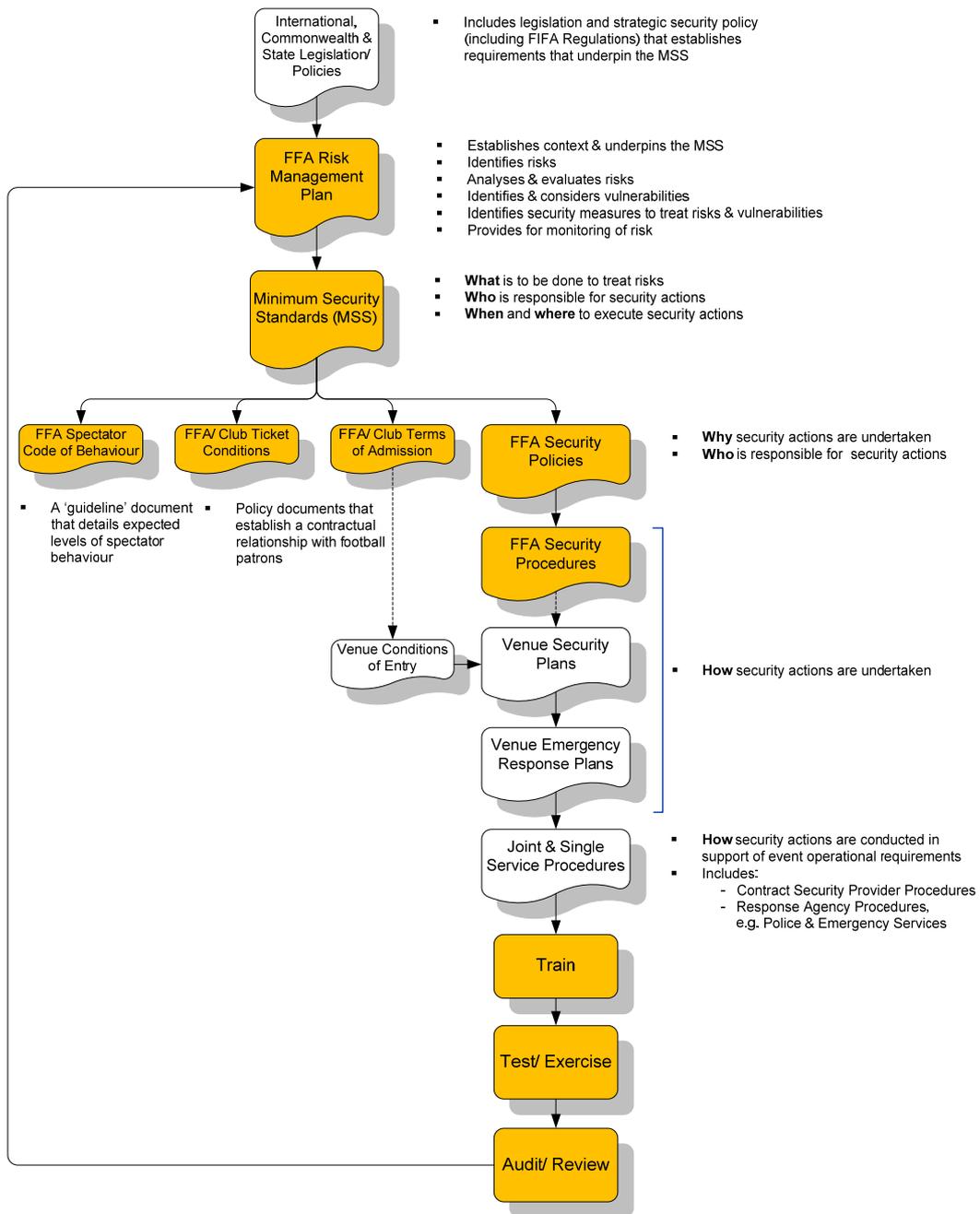
The Security Policies are designed to offer high level integrated guidance to all responsible parties about each security subject, particularly Executives and Senior Managers. They detail the 'What' and 'Why' including 'Responsibilities' in respect of the relevant security subject matter.

The Security Procedures are structured to offer all responsible parties an integrated set of security instructions as to how to approach different security activities that may apply to them.

The following diagram details the scope and interdependencies of the MSS and the associated practices:

comply with all *FIFA Stadium Safety and Security Regulations (2013)* for international matches hosted within Australia.

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Security planning for all FFA competitions and specific matches commence weeks in advance of an event and is collaborative and detailed in nature. Planning meetings are chaired by an FFA or HAL Club Event Manager and participants include representatives from police, venues, venue security contractors, Hatamoto and other relevant stakeholders when required.

The MSS mandates that an in-person meeting or teleconference must occur as part of the planning process for every Hyundai A-League match that carries a medium or high risk match profile, all other Hyundai A-League matches contain a security element within the event planning agenda. The MSS also provides a meeting agenda template that outlines areas to discuss including; event details, number of home and away supporters, ingress and egress methods, additional security measures, details around the active march and deployment numbers among other items. It is clear that leaders of each participating Active Supporter Group must be consulted in order for the necessary information to be shared.

Security risk assessments are conducted by FFA or the HAL Club Event Manager for all Hyundai A-League matches in accordance with the Australian Standard for Risk Management and a Match Risk Profile of low, medium or high is allocated to each Hyundai A-League match. Additional security measures are implemented for Hyundai A-League matches that attract an elevated Match Risk Profile and assist to reduce the risk of incidents occurring and may include additional security deployment, searches and the presence of specialised police units. The identification and allocation of additional security measures is consultative and involves input from relevant security stakeholders and in particular, police and venues.

5. THE DEVELOPMENT OF THE SPECTATOR BANNING PROCEDURE

5.1 Background

An important part of the FFA Security Program contained in the MSS is the centralised procedure for the exclusion of spectators that create risks for the safe conduct of matches. This procedure was developed to operate as a nationally consistent, nationally applicable program in preference to the more conventional alternative of relying on individual clubs and venues to apply bans to their fans and members at their home grounds.

5.2 Research Undertaken

The development of the procedure involved a detailed review of the practices of other programs - both at a domestic and international level – and consultation with relevant persons and bodies, including;

- (a) police and venue operators;
- (b) other domestic sporting codes;
- (c) non-sporting owner operators of infrastructure and/or events; and
- (d) overseas football leagues with the United Kingdom considered in detail.

A key consistent theme emerging from the research and stakeholder consultation was the success of banning procedures (particularly in the United Kingdom) in deterring and managing disorderly spectator behaviour. Domestic perceptions about the history of

football-related violence and football culture were also a relevant consideration in ensuring that an effective banning procedure was in place.

Further detail of the research and consultation underpinning the banning procedure is included in Annexure 2.

5.3 The Legal Framework

It is important in understanding the development of the spectator exclusion procedure to recognise the underlying legal framework that governs the conduct of Hyundai A-League matches in Australia as events.

The first significant feature of this framework is that the conduct of Hyundai A-League matches takes place on private property on which the spectators attend matches as conditional licensees. Their entitlement to enter and remain in a venue as spectators is subject to a vast number of rules and conditions imposed by the venue operators, including the right of the venue operator to exclude them on the basis that they deem them to be disorderly or non-compliant with venue operator directions.

These are decisions that are entirely at the discretion of venue personnel and cannot be appealed by the excluded spectator.

The power is in substance the same as that which is exercised by other entertainment venues such as nightclubs, hotels and concert venues to exclude persons that they regard as likely to be disruptive to other patrons. These again are decisions that are entirely at the discretion of the venue operator and are not subject to legal challenge.

Further, each of the relevant venues will generally have the power under delegated legislation to ban spectators from attending the venue in the future. This is discussed further in section 7.2 of this report but relevant examples are:

- (a) a person ejected from a stadium in the Sydney Olympic Park area may be banned by the stadium from entering any part of the park area for up to 12 months; and
- (b) a person ejected from Allianz Stadium may be banned by the stadium for a period of up to 2 years.

The second feature of the legal framework that is significant is that both the HAL Club that is hosting the match and FFA also have the right under the terms of admission to exclude spectators on match day and to impose an on-going ban.

The right to exclude on match day is at the general discretion of FFA or the HAL Club and again is not subject to any appeal right. Absent the granting of an appeal right by FFA or the HAL Club, a banned spectator would have no legal right of recourse to the imposition of a ban.

The third important feature of the legal framework is that while there are a number of legislative provisions that apply to the conduct of spectators, the position of the police has

been for the sports to take the lead role in seeking to impose bans on disorderly persons attending sporting events.⁹

In this respect it is important to note that New South Wales had specific legislation between 2005 and 2012 that granted the courts powers, on police application, to make orders banning persons from attending sporting venues. This legislation was however repealed in 2012 on the recommendation of the Department of Attorney General and Justice. The recommendation was made on the basis that preventing undesirable behaviour at sporting events was more effectively addressed by the banning systems imposed by the sporting bodies themselves, which had significant advantages over the legislative regime due to their flexibility and capacity to deal with issues quickly.

The final important feature of the legal framework to note is the legal responsibility of each of the venues, the HAL Clubs and FFA for the safe conduct of matches.

The HAL Clubs, as the owners and organisers of their home matches and hirers of their home grounds, have the principal duty of care, along with venue operators, towards persons attending Hyundai A-League matches.¹⁰ This is a duty to take reasonable care to ensure that matches are conducted in a manner that is safe for the players, spectators and workers that are in attendance. At the same time, the HAL Clubs along with the venue operator have the legal power to control entry to the event/venue as spectators attending do so under a licence issued by the venue and event organiser.

Every person that attends a Hyundai A-League match is required to behave in a manner that respects the safety and welfare of all in attendance. Where there is evidence that the prior football-related conduct of a person is such that their attendance creates a risk to the safety of spectators, workers or players, then there is a legal obligation to address that risk, which may in many cases be through exclusion of that person.

FFA as the governing body of the competition and as the national governing body of football in Australia also has legal responsibilities in this area given the responsibilities that they have assumed in respect of supervision of the league including setting terms of admission, Spectator Codes of Conduct and the development of the FFA Security Program. These legal responsibilities will in some circumstances extend to seeking to ensure that the matches are

⁹ Powers to ban are available in some States under Major Sporting Events Acts (or similar) including New South Wales, Victoria and Queensland. In New South Wales, government owned venues have also introduced banning provisions within stadium by-laws.

The Liquor Acts in some jurisdictions including New South Wales, Victoria, South Australia and Western Australia, also provide the legislative authority to exclude persons from licensed premises, up to in some instances whole precincts. The period of the exclusion ranges from 24hrs - 72hrs increasing to three (3) or six (6) months in some locations.

Although also varied between States, trespass provisions are in effect in each jurisdiction and can be utilised to prosecute banned persons who attend an event in contravention of their banning notice.

Further, FFA has worked with Police Prosecutors to ensure that when persons are arrested and charged with substantive offences in and around stadiums, bail conditions imposed by the police can include an exclusion from attending those stadiums or environs.

¹⁰ This relates to Hyundai A-League regular season home and away matches. In respect of the Finals series, FFA assumes the role of hirer and event owner.

conducted safely but also importantly include the responsibility of protecting and enhancing the reputation and interests of football in Australia.

The banning procedure has been formulated in the context of these respective obligations.¹¹

6. THE CURRENT BANNING PROCEDURE

6.1 What is the Current Banning Procedure?

FFA conducts investigations into all serious incidents that are reported at FFA sanctioned matches.

Where an incident occurs that may merit a spectator being banned the matter is referred to the FFA Security Committee¹² for its consideration.

The current banning procedure that is used involves the following key steps:

- (a) incident occurs;
- (b) investigation conducted and evidence collected and reviewed;
- (c) person(s) identified for possible sanction;
- (d) stakeholder(s) consulted;
- (e) brief prepared for consideration by FFA Security Committee, which includes a recommendation having regard to consultation with the relevant HAL Club, the venue and the police, giving consideration to the seriousness of the offence committed and with reference to banning guidelines for the range of offences;
- (f) FFA Security Committee meets to discuss the brief and determines if, on the balance of probabilities, alleged conduct has been engaged in, and if so, agree on sanction; and

¹¹ Additionally, the *FIFA Stadium Safety and Security Regulations (2013) (FIFA SS&S Regulations)* provide one of a number of first principles to the FFA Security Program including its banning procedure. The preamble of the regulations states that they are:

'...intended to make organisers of FIFA events aware of their duties and responsibilities before, during and after matches in relation to safety and security at the stadium. These regulations contain the minimum safety and security measures that event organisers and stadium authorities must take to ensure safety, security and order at the stadium. LOCs/event organisers, associations and club/stadium authorities must take all reasonable measures necessary to ensure safety and security at the stadium. LOCs/event organisers, associations, clubs/stadium authorities are responsible for the behaviour and competence of the persons entrusted with the organisation of a FIFA event'.

Article 1 of the FIFA SS&S Regulations notes that the regulations serve as guidelines for non-FIFA events.

Article 61 of the FIFA SS&S Regulations obligates relevant authorities to impose stadium bans upon *'...any identified person whose behaviour either inside the stadium or outside the stadium, affects or poses a threat to the safety and security of the event or to other people.'* This article further obligates relevant authorities to collaborate and exchange and verify information at their disposal before every event, thus ensuring the smooth application of stadium bans in the area of jurisdiction of the organiser.

¹² The FFA Security Committee is comprised of Executive and Senior Managers from Operations, Events, Legal, and Security and meets routinely to review security related issues including sanctions briefs prepared concerning disruptive persons.

(g) if a ban is to be applied, a banning notice is issued and served on the person.

A spectator is only banned by the FFA if there is reliable evidence that a person has engaged in or been complicit in the relevant disruptive behaviour. The evidence that is used for this purpose may include CCTV footage, photos, incident reports and witness accounts. This evidence is gathered at the time of the alleged offence and/or post the incident following police reports or subsequent viewing of CCTV footage.

The circumstances that may lead a ban being implemented include when a person:

- (a) engages in serious or multiple breaches of the Terms of Admission or Spectator Code of Behaviour;
- (b) is prosecuted for any offence that jeopardises safety or security at an FFA sanctioned event; and
- (c) engages in disorderly conduct that has the potential to injure the reputation of the code of football in Australia.

FFA does not always impose a ban where conduct is established. It may issue an Official FFA warning letter if the FFA Security Committee considers that is the appropriate response.

Bans are communicated formally in writing to the person via a banning notice that details relevant information concerning the reason why the ban was issued, where it applies and the consequences of breaching the ban. The banning notice is served in a manner that is similar to that used by the courts. In the event a person breaches their banning notice and is identified inside a venue without authorisation, they may be charged with trespass by police. Police have recorded a number of successful prosecutions against persons who have breached their banning notices.

In addition to actions taken by FFA a person that has engaged in disruptive behaviour may also be subject to sanction by either a HAL Club or a venue operator, which may include:

- (a) warning letters issued by a HAL Club;
- (b) suspension of HAL Club membership;
- (c) cancellation of HAL Club memberships; and
- (d) venue ban under local by-laws.

6.2 The Legal Agreements that Support the Banning Procedures

FFA has established a national banning procedure for consistency of policy and implementation and to ensure that bans operate as an effective deterrent by excluding banned persons from all venues where football matches are governed by FFA are held.

In order to give effect to this procedure FFA sets national standards to be applied by all HAL Clubs at all venues and acts as the delegated agent of the HAL Clubs in managing the banning procedure. This is reflected in a number of key agreements, policies and regulations, which are summarised below which give effect to the centralised model.

The banning procedure is contractual in nature. Persons who purchase entry to venues where FFA sanctioned matches are played do so on the basis that they agree to abide by FFA's Terms of Admission, the Venue's Conditions of Entry and the Ticket Conditions.

Those terms and conditions permit FFA, HAL Clubs and venue operators to reject entry and ban persons from attending future FFA sanctioned matches.

The legal framework that has been put in place for this purpose was considered by a number of legal teams in its development including the:

- (a) New South Wales Police Crown Solicitor, (who was a key member of the team that designed the program);
- (b) Victorian Crown Solicitor (who contributed to an expansion of the FFA Terms of Admission; and
- (c) FFA Legal Team.

The key agreements, policies and regulations are described below.

(a) **Terms of Admission**

FFA has created Terms of Admission that apply to all patrons who attend FFA sanctioned matches. This document reflects industry best practice terms and conditions applying to entertainment and sporting events as well as unique terms and conditions relevant to the sport of football.

The MSS and venue agreements require that the FFA Terms of Admission be displayed alongside the venue's Conditions of Entry at all places where the Conditions of Entry are displayed at the venue during an FFA sanctioned match. By attending an FFA sanctioned match, patrons agree to be bound by, and comply with, the FFA's Terms of Admission.

Amongst other things, the Terms of Admission detail a list of prohibited and restricted items and conduct that are not permitted at FFA sanctioned matches. For example, the Terms of Admission expressly prohibit a person from possessing, striking or igniting flares, engaging in disorderly conduct or engaging in conduct which is likely to offend, insult, humiliate, disparage or vilify any reasonable person on the basis of gender, race, religion, culture, colour, descent, country of origin, or disability.

The Terms of Admission also prohibit patrons from entering the field of play without authorisation.

The Terms of Admission also give notice to all persons attending football matches or events that:

- (i) they may be subject to searches before entering, or at any time within, the venue and may be subject to search upon exit;
- (ii) for the safety and security of patrons and staff, surveillance cameras may be operating in and around the venue and that by entering the venue they consent to having their image recorded;
- (iii) they have conferred upon the FFA or the HAL Club (as the case may be) a contractual right, in their absolute discretion, to exclude from any FFA sanctioned matches, at any time, whether currently or in the future, any person who engages in disruptive behaviour; and

(iv) they have consented to the information and images collected on or from the person, including their name, address, date of birth and photograph, being provided to FFA, the HAL Clubs, venue management or NSW Police and used to prosecute or support the implementation of a ban on a person, or for other law enforcement purposes.

(b) **Banning Authority Agreements between FFA and HAL Clubs**

FFA and each of the HAL Clubs are parties to Authority to Ban Disruptive Persons agreements with various venues in Australia where Hyundai A-League matches are staged.

The effect of these is to confirm the agreement of each HAL Club and their venue that FFA may issue a Banning Notice to a disruptive person, which has the consequence that the consent of the club and venue for that person to attend FFA sanctioned matches at the venue is withdrawn.

(c) **Venue Agreements**

FFA and HAL Clubs hire various venues throughout Australia to stage football matches. While each venue agreement is a negotiated commercial agreement, FFA does seek to include in each of its hire agreements certain standard terms in respect of the MSS and the FFA banning procedure, including a requirement that the venue will implement and comply with the MSS and display the FFA Terms of Admission at each event.

FFA works with each HAL Club to ensure that similar provisions are included in each of their venue hire agreements.

(d) **Spectator Code of Conduct**

The Spectator Code of Behaviour is a national policy that details the expected behaviour of all spectators attending an FFA sanctioned match or any activity staged or sanctioned by FFA or an affiliated Member Federation, District Association or HAL Club.

The Spectator Code of Behaviour sets out a range of principles that FFA requires to be respected at football related events in Australia. The Spectator Code of Behaviour also addresses conduct that FFA seeks to prohibit at all football matches in Australia such as violence, discrimination, harassment and abuse.

The Spectator Code of Behaviour is incorporated into FFA's Terms of Admission such that spectators attending an FFA governed match are required to comply with its terms. The Spectator Code of Behaviour also provides notice that FFA maintains the right to exclude any person from its events for non-compliance with the code.

(e) **Information Sharing Deed between FFA, HAL Clubs and Police**

FFA and each HAL Club are party to a Deed of Agreement and Indemnity (Information Sharing for the Purpose of Banning Disruptive Persons from attending FFA sanctioned football matches) with police.

6.3 Key Data for Operation of Banning Process

As at the date of this Report, the total number of bans issued since the commencement of the program is 320. A breakdown summary of the incident type associated with the issue of these bans includes:

OFFENCE TYPE	NO. OF BANS ISSUED
Flare Ignition/ Possession	95
Spectator Violence	90
Unauthorised entry to Field of Play	44
Trespass/ Breach of Ban	34
Disorderly Conduct	24
Offensive Behaviour	16
Throw Missile	8
Possess Weapon/ Harmful Substance	4
Possess Prohibited Item	2
Intoxication/ Alcohol Related	2
Damage to Property	1
TOTAL	320

As at the date of this Report, 198 bans continue to be in force.

The existing FFA banning procedure now contributes significantly to the public safety strategies across multiple police jurisdictions. The current Banned List contains 198 spectators who are excluded from FFA controlled matches for various reasons. The Banned List is produced for and its only authorised use is for the purpose of enforcing bans.

Banned individuals identified entering a premises in breach of an FFA issued ban are either charged or evicted, depending on the jurisdiction of the venue and any relevant legislation associated with such jurisdiction. There have been a number of successful prosecutions of offenders charged with trespass.

7. COMPARATIVE RESEARCH

7.1 Comparative Research Insights

In undertaking this Review, FFA identified that it was important to consider the banning practices of:

- other major Australian sports governing bodies;
- clubs affiliated with the Australian Football League and the National Rugby League;
- Australian sporting venues; and

- (d) national football associations, professional leagues and governments in other countries.

FFA has undertaken direct consultation with relevant representatives, as well as considering publicly sourced information. In summary, based on the information shared by the above parties and FFA's research the following key themes arose:

- (a) instances of banning are relatively uncommon in other major Australian sports, when compared to football;
- (b) FFA is effectively the only major Australian sporting governing body with a structured and formalised central banning procedure to address disruptive spectator behaviour. The other major Australian sports governing bodies predominantly rely on the venues, police and/ or their affiliated clubs to address disruptive spectator behaviour;
- (c) most other major Australian sports governing bodies and affiliated clubs apply varying levels of formality to their processes, but tend to deal with issues on a case by case basis, with limited rights to review evidence and appeal sanctions;
- (d) several of the other major Australian sports governing bodies are reviewing their own processes to manage disruptive spectator behaviour;
- (e) sanctions may vary from a ban from entering a venue for a specified period of time, to a person being subject to a lifelong ban from having a membership with a club; and
- (f) the banning model adopted in the United Kingdom is the most sophisticated and resourced, with significant legislative and government support forming the foundation of the model.

7.2 Australian Venues' Banning Practices

There is a range of legislation that grants Australian venues the power to exclude and ban misbehaving spectators¹³

Based on FFA's engagement with Australian venues for football matches (including Hyundai A-League matches), FFA makes the following observations:

- (a) venue bans are generally implemented quickly and efficiently, and often at the time of the offence;
- (b) venue bans are issued by a venue representative, or police officer on behalf of the venue, and are issued on the basis of:
 - (i) the issue of a penalty infringement; or
 - (ii) an assessment that on the 'balance of probabilities' an individual engaged in certain conduct;
- (c) venue bans generally address a range of behaviours, with the most common being low level issues such as liquor related offences; and

¹³ See *Sporting Venues Authorities Act (NSW)*, *Sydney Cricket & Sports Ground Trust Act* & associated *Stadium By-laws*, *Major Events Act NSW*, *Sporting Venues (Pitch Invasions) Act (NSW)*, *Major Sporting Events Act (Vic)*, *Liquor Act 1997 (SA)*, *Australian Sports Centre Trust Act 1986 (WA)*.

- (d) venue bans can be immediately implemented on the day of the offence and depending on circumstances can remain in effect for up to two (2) years.

7.3 Banning Practices in Other Countries

There are various overseas national associations, professional leagues and governments which have formalised banning procedures to address incidences of disruptive spectator behaviour occurring at football matches. In some instances, these banning procedures have evolved over many years.

FFA's research included reviewing the approach adopted by each of the following:

- Major League Soccer;
- Deutscher Fussball-Bundl;
- United Kingdom; and
- Italy.

(a) Major League Soccer

Major League Soccer (**MLS**) has a formalised procedure pursuant to which league-wide bans may be implemented for disruptive spectator behaviour. This procedure is administered and enforced pursuant to the MLS' regulatory framework.

The key characteristics of the MLS' procedure and framework is as follows:

- spectators are required to comply with the MLS Fan Code of Conduct (**FCOC**);
- if a person is found to have breached the FCOC, then depending on the offence, that person may be subject to a range of sanctions, including a league-wide ban;
- a person receives notice of their breach of the FCOC by letter, and the letter will generally contain the following information:
 - evidence relied upon by MLS in determining that there has been a breach of the FCOC; and
 - sanction to be imposed upon the person;
- there are five (5) categories of "threshold offences" and the commission of a threshold offence for the first time gives rise to the issue of a league-wide ban of twelve (12) months by the MLS. The threshold offences are:
 - acts of violence to include, but not limited to, assaults and/or batteries;
 - racial, sexist or xenophobic language or behaviour;
 - field intrusions;
 - provoking and/or overtly inciting behaviour resulting in a stadium ban; and
 - possession or use of unauthorised pyrotechnic / smoke devices at an event;
- fans who are found to have committed a threshold offence must undertake a fan conduct education class as part of the process of restoring their ticket privileges;
- clubs are required to work with the MLS to ensure that incidents of spectator misconduct are identified, reported, investigated and reviewed;

- a person who is being investigated for an alleged offence may be suspended from attending MLS matches whilst the investigation is being undertaken; and
- a person who is subject to a league-wide ban may request a review of their ban by formally contacting MLS in writing.

(b) **German Football Association**

In Germany, the Deutscher Fussball-Bund (**DFB**) has issued guidelines regarding the power of the DFB, a league and/or club to ban disruptive spectators from attending football matches in Germany¹⁴. Generally, the issue of venue bans are seen as a measure to prevent threats to security incidents, particularly to reduce violence and prevent criminal offences.

The key characteristics of the DFB's banning process are as follows:

- generally, the ban is issued by the entity which is hosting the football match. However, the DFB, leagues and/or clubs can transfer responsibility as to who should issue the ban, if this would be appropriate in the circumstances;
- whoever issues the ban, also has the power to cancel an existing ban or reduce an existing ban;
- prior to the imposition of a ban on an individual, that person is provided with the right to request to make a written or verbal statement. This must be done within two (2) weeks of being informed that a ban is pending;
- after the person has made a statement in relation to their pending ban, the person will be advised of the decision;
- bans are issued in writing, and there needs to be traceable confirmation that the person who is subject to a ban has in fact received written notice;
- bans are generally able to be issued when:
 - either the DFB, a league or club files for civil charges against a person for conduct related to a football match¹⁵; or
 - there is evidence to indicate that a person has committed an offence due to:
 - being arrested;
 - being in possession of weapons or pyrotechnics;
 - making racial slurs;
 - severe infringements of a venue's code of conduct; or
 - recurring behaviour, such as committing a major act of disturbance whilst being subject to an existing ban;

¹⁴ For example, DFB can issue bans in relation to its first to fourth level licensed leagues, the DFB Pokal (German knockout football cup competition) and international matches held in Germany.

¹⁵ FFA's research indicates that the DFB, a league or club is required under the DFB guidelines to file for civil charges on the basis of disturbance of domestic peace and security.

- a person may appeal to have their ban removed or reduced in certain circumstances. This includes:
 - if the person was banned due to an arrest or the filing of criminal charges, and that person is ultimately not convicted due to insufficient evidence, then they may request their ban to be reviewed; and
 - expression of remorse by the offender.

Any decision regarding the review of a ban must be made within one (1) month after the request is made;

- in addition to a ban being issued for disruptive spectator behaviour, other sanctions may be applied, such as the requirement to undertake anti-violence training;
- bans may be venue specific or country-wide, and they may vary from a minimum of one (1) week to a maximum of five (5) years; and
- the DFB centrally manages a database of banned individuals. The DFB may share the details of this database with police, other national associations, the Union of European Football Associations and the FIFA. A banned person must be removed from the database within six (6) months after their ban expiring.

(c) **United Kingdom**

It is evident that the banning procedure which operates in the United Kingdom is one of the most extensive and sophisticated in terms of resourcing, process and implementation of sanctions, which is broadly due to the legislative government support for the program.

Some of the key elements of the banning procedure of the United Kingdom are as follows:

- banning of disruptive individuals occurs through an extensive legislative framework;
- a banning order may be issued by a court in two contexts:
 - where an individual is convicted of a football related offence; or
 - where a crown prosecutor applies for a banning order on the basis that an individual has at any time caused or contributed to any violence or disorder in the United Kingdom or elsewhere and there are reasonable grounds to believe that the banning order would help to prevent violence or disorder at or in connection with any regulated football matches;
- for a banning order to be made, generally the court must be satisfied there are reasonable grounds to believe that making the banning order would help prevent violence or disorder at or in connection with any regulated football match. The onus is on the prosecutor to show the court why the football banning order is required;
- where an application is made for the issue of a banning order, the alleged offender must be informed that there is an intention to apply for a banning order against them;
- a notice of appeal by either party in relation to the granting or refusal of a banning order must be made no later than 21 days after the decision was made;
- bans can last between three (3) to ten (10) years, with ranges as follows:

- when made following a conviction for a football related offence and immediate imprisonment, the banning order will be a minimum of six (6) years and a maximum of ten (10) years;
- when made following a conviction for a football related offence, but no immediate imprisonment is imposed, the banning order will be a minimum of three (3) years and a maximum of five (5) years; or
- where there is no conviction for a football related offence, the banning order will be a minimum of three (3) years and a maximum of five (5) years;
- bans can be customised to address individual behaviour patterns. For example, an individual who is subject to a banning order may also be banned from:
 - using public transport on match days; and
 - visiting potential 'hot spots' such as town centres and certain bars and pubs;
- in addition to issuing a football banning order, the court may also the following conditions:
 - prohibition on being present in certain areas for a period of two (2) hours pre and two (2) hours post a match;
 - prohibition on using any national rail network without the prior approval of the British Transport Police;
 - requirement to report to a specific police station within five (5) days;
 - requirement to attend a police station within seven (7) days to have their photograph taken to allow police to identify if a banned individual attends a match; and
 - in exceptional circumstances, be required to surrender their passport and report to a police station during control periods in relation to matches outside of the United Kingdom;
- breach of a banning order is a criminal offence and is punishable by fine and/ or imprisonment; and
- a database containing the details of persons involved, or suspected to be involved, in football related disorder, is managed by the government funded United Kingdom Football Policing Unit.

(d) **Italy**

Since the late 1980s, Italy has had a legislative framework in place to deal with disruptive spectator behaviour at football matches. One of the most significant measures introduced pursuant to this legislative framework is the right to issue a DASPO. A DASPO is a ban on certain individuals from attending sporting events. A DASPO is intended to act as a preventative measure prohibiting individuals, who are considered dangerous, from attending sporting events.

Key matters related to a DASPO are as follows:

- it can be issued by a police superintendent or a court;

- it can be imposed on an individual who, within a five (5) year period:
 - has been convicted of a crime; or
 - has not been convicted or arrested in a court of law, but is considered by a police superintendent to be instrumental in episodes of violence;
- where a DASPO is issued by a police superintendent, the ban will be a minimum of one (1) year and a maximum of five (5) years;
- where a DASPO is issued by a court in conjunction with a sentence for crimes committed during or because of a sporting event, the ban will be a minimum of two (2) years and a maximum of eight (8) years;
- a DASPO can be arranged in advance of a sporting event where, on the basis of objective evidence, it appears that the individual has engaged in conduct aimed at active involvement in incidents of violence during or because of sporting events, or is likely to be engaged in conduct that would endanger the safety of the public attending a sporting event;
- those persons subject to a DASPO have to sign a register at their local police station during time period in which a match is being played, in an effort to ensure they are not attending a match;
- if an individual wants to appeal the issue of a DASPO against them, they must make an appeal through the Italian judicial system; and
- any breach of the terms of a DASPO can result in custodial sentence.

7.4 Flare Management Practices in the United Kingdom

The *Sporting Events (Control of Alcohol etc.) Act 1985* mandates that it is an offence for a person to enter or attempt to enter a football ground while in possession of a flare, smoke bomb or firework (s2A(1)(b), s2A(3)). The sentence for these offences can be as much as three months in prison (s8(b)), and in many cases, fans who have no previous convictions are being given prison sentences for attempting to enter a football ground with a smoke bomb in their pocket as the courts take these offences very seriously. There are two different offences:

- (a) possession in the football ground (s2A(1)(a)); and
- (b) possession while attempting to enter (s2A(1)(b)).

The courts do not appear to consider one offence to be more serious than the other. Spectators searched prior to entering the football ground and found to be in possession of a firework, flare or smoke bomb, have still been given custodial sentences.

UK courts generally impose a three (3) year football banning order on a fan who is convicted of possession of a firework, flare or smoke bomb at a football match. The very nature of the offence means that the prosecution are likely to be able to persuade the court that the offence is football related, and that it is necessary to impose the order to prevent the offence happening again.

In addition to strict legislative provisions, the English FA and Scottish FA have launched flare awareness campaigns to address flare management issues¹⁶. In particular, this has been to raise awareness of the inherent dangers of igniting flares.

8. KEY CONCLUSIONS

8.1 Introduction

The issue of spectator behaviour at public events is clearly not a new one nor unique to Australia or to the sport of football. It is a complex one that involves balancing a range of interests and affects many stakeholder groups. For a number of reasons this is particularly true of the sport of football.

The Review recognises and respects that amongst stakeholder groups there is a divergence of opinion, emphasis and priorities and that there is no simple outcome or solution for satisfying all stakeholders' wants.

What is indisputable is that the paramount interest is **and must be** protecting, promoting and advancing football and that to do so demands that people coming to games can be assured of a safe and enjoyable, whilst exciting and unique, experience.

The Review has drawn a number of key conclusions from examination of the various issues, consultation with stakeholders and consideration of relevant material. It has developed a series of recommendations that build upon those conclusions, reflect stakeholder input and most importantly are designed to achieve the paramount objective of protecting, promoting and advancing football.

8.2 Summary of Key Conclusions

The following is not intended to represent an exhaustive list of possible findings on the subject of spectator behaviour and security at football matches. It is a list of key conclusions that emerge from the Review as the most informative and relevant given the Terms of Reference of this particular Review as outlined at section 1.2 above.

These key conclusions are:

- (a) the Hyundai A-League, as a young league, faces a significant challenge in growing its profile and attracting support in the most competitive sporting market-place in the world;
- (b) "Active Support" at Hyundai A-League matches is a defining and unique feature of the League and provides a spectacle and atmosphere that does not exist at other sporting events in Australia;
- (c) it is important to maintain, preserve and facilitate the ability of the Active Supporter Groups to experience football in their particular way;

¹⁶Examples include those launched by the Barclays Premier League/The FA (<http://www.facepyrofacts.co.uk/>), with the support of St John's Ambulance (<http://www.sja.org.uk/sja/what-we-do/latest-news/news-archive/news-stories-from-2013/december-2013/premier-leagues-warning.aspx>) and the Scottish FA's #FlairNotFlares campaign (<http://spfl.co.uk/news/article/spfl-supporting-flairnotflares-campaign/>).

- (d) at the same time, it is essential that behaviour amongst fans, particularly the Active Supporter Groups is not illegal or does not breach the standards set to ensure the safe and enjoyable attendance of all people at Hyundai A-League matches;
- (e) FFA has in place a detailed, considered and comprehensive national security program which outlines the roles and responsibilities for a range of relevant bodies – FFA, the HAL Clubs, law enforcement, security contractors, venue operators. This was developed in 2007 and is regularly reviewed, updated and enhanced in consultation with relevant parties. Continuation of such review and improvement is essential;
- (f) the national security program incorporates an existing banning procedure which was developed following considerable consultation and research into both domestic and international best practice. Its establishment and operation reflects international experience in particular as to the importance and success of an effective banning procedure in deterring disruptive behaviour at and in connection with football matches;
- (g) in Australian sport, the existing banning procedure, in terms of being a centrally-coordinated national procedure, is clearly the most extensive, structured and comprehensive procedure amongst the major professional sporting codes;
- (h) the legal foundation and structure of the existing banning procedure is soundly based on the following critical platforms:
 - (i) persons attending events at sporting stadiums (as with persons attending premises such as hotels, nightclubs, theatres) do so under licence from the owner and/or occupier of those places. The licence to attend is subject to compliance with conditions and can be withdrawn at the discretion of the owner/occupier; and
 - (ii) the owners/occupiers and event organisers have a legal responsibility to take all reasonable measures to address risk to persons attending their premises and events. In the context of Hyundai A-League matches, this includes venue operators, HAL Clubs and FFA. These measures include the exclusion of persons whose conduct creates risks for the safe conduct of events and consequently for the image and reputation of the game;
- (i) the existing banning procedure, whilst based on these sound foundations, does not contain certain procedural elements such as a formal review right. This has led to a strong call for introduction of certain procedures to address the concerns of stakeholders. The principles adopted at the meeting of FFA and Active Supporter Group representatives on 9 December 2015 provide the basis for introducing new procedures which will ensure a fair process is applied;
- (j) as with any organisation's practices and procedures, the FFA's National Security Program, including its banning procedures, need to continue to be reviewed and improved. As such, the recommendations below principally relate to improvement of existing practices and procedures with particular focus on the banning procedure;
- (k) the development and implementation of these improved practices and procedures will require the continued involvement and collaboration of a range of parties, building on the relationships that already exist. In some cases specific and greater involvement of

various parties will contribute significantly. For example, HAL Clubs already play a vital role but there are real gains to be had overall through clubs increasing their focus and commitment in this area;

- (l) whilst the recommendations focus on improvement of current practices, there is also a place for new initiatives, including particularly in the legislative arena. Security and safety management at sporting events is not an issue unique to football and is not the exclusive province of football's governing bodies or sporting governing bodies. It is a joint effort and responsibility of a number of parties;
- (m) government is uniquely positioned to contribute through exploring and enacting considered, creative, constructive legislative-based solutions to support and complement the other measures and programs being conducted by sports, venues and law enforcement agencies. Accordingly, the recommendations below point to some areas that warrant real attention from a legislative perspective; and
- (n) the combination of new and improved practices and procedures within football along with supporting legislative measures will provide the framework for all parties to collaborate and commit to achieving the same objective – safe, enjoyable, exciting football matches that will position football to reach its goal of being Australia's largest and most popular sport.

9. KEY RECOMMENDATIONS

9.1 Summary

The consultation process conducted as part of the Review was designed to engage key stakeholders, as outlined in section 2, with a clear focus on the Terms of Reference of the Review outlined at section 1.2 to:

- (a) recommend a banning process consistent with the principles identified on 9 December 2015 at the meeting between FFA and representatives from the Active Supporter Groups of the HAL Clubs;
- (b) make recommendations regarding flare management; and
- (c) identify other matters for action related to match day security relationships between FFA, HAL Clubs and Active Supporter Groups.

Stakeholder feedback has been carefully considered along with consideration of the matters outlined at sections 3 to 8 above having regard to the paramount objective of protecting, promoting and advancing the game of football. In this context recommendations have been developed based on two fundamental guiding principles:

- (a) the responsibility of FFA and its HAL Clubs to provide a safe and secure environment for spectators attending FFA sanctioned events; and
- (b) the desire to ensure that no person is banned from attending an FFA sanctioned event unless there is a reasonable basis to do so and the person is subject to a fair process in relation to their banning.

For football in Australia to achieve its sporting and commercial objectives, it is imperative that FFA's strategy for management of these issues ensures that fans are able to enjoy football in a safe and friendly environment, there is confidence in the fairness of the system and respect for all stakeholders' interests. Therefore, the strategy at all times needs to include the following features:

- (a) it should specifically and pro-actively address disruptive behaviour at venues;
- (b) it should contain a fair and transparent system by which disruptive persons can be excluded (banned) from such venues;
- (c) it should provide for diffusing potentially volatile situations by means of early, selective and discrete evictions of disruptive persons;
- (d) it should clearly delineate the respective roles and responsibilities of relevant parties and create a platform for collaboration and collective achievement of the strategy's objectives; and
- (e) it should enshrine a commitment to continuous improvements and provide appropriate opportunity for stakeholder input into this continued improvement;

(collectively, the "**Desired Outcomes**").

As noted in section 8 which summarises the key conclusions of the Review it is clear that FFA does have a comprehensive security program which was developed in 2007 and has been expanded, fine-tuned and continually revised since then. It contains most of the features outlined above. The program reflects and gives effect to a zero tolerance approach to unacceptable, disruptive behaviour that threatens the safety of patrons and the image and reputation of the game and consequently football's ability to grow and prosper. Nothing has emerged in the Review that warrants a departure from this zero tolerance approach.

However, it is clear from the Review that, while the existing banning procedure has been structured on solid foundations, it would be preferable that the procedural aspects of the system be revised by implementing the key principles adopted at the meeting with Active Supporter Groups on 9 December 2015. This can be achieved through the development of formal banning regulations to this effect.

The key recommendations set out below also reflect that the ongoing proper and meaningful engagement of active fans and spectators is essential to retaining the unique atmosphere of football matches in Australia.

Further, all stakeholders have a role to play going forward to achieve the Desired Outcomes. The recommendations draw particular attention to the roles that FFA and the HAL Clubs play in this regard. A separate section relates to Legislative reform which necessarily requires commitment and action by government.

9.2 Key Recommendations

(a) **Part A: FFA Banning Procedure**

In keeping with the commitment made by FFA representatives at a meeting with Active Supporter Groups on 9 December 2015 (**December 9 Meeting**), and on the basis of feedback provided during the consultation process, below are the recommendations relating to the FFA banning procedure.

A1 Banning Regulations

As noted at section 1.1 the current banning procedure has given rise to the following key concerns:

- the imposition of bans by FFA without giving the person banned a prior opportunity to see the allegation against them and put a case forward before the decision to ban;
- lack of access by the banned person to information and evidence being used by FFA to impose the ban; and
- no right of appeal to an independent body after the ban is imposed.

It is **RECOMMENDED** that formal Banning Regulations should be promulgated by FFA giving effect to a revised banning procedure that ensures a fair process and addresses the key concerns which have been raised by containing the following procedures:

- (i) a person will receive a notice of intention to ban before a ban is imposed. This notice will be delivered as soon as possible after an incident;
- (ii) FFA will provide a copy of the notice of intention to ban at the same time to the person's relevant HAL Club;
- (iii) the notice will advise that FFA proposes to ban that person and otherwise provide particulars of the alleged behaviour, the basis of the proposed ban and the length of the proposed ban;
- (iv) the person receiving the notice of intention to ban will be notified of the opportunity, process and time period (not less than 14 days) in which they may contest the proposed ban, access evidence and submit their case as to why they assert a ban should not be imposed or that the proposed length of ban should be reduced;
- (v) FFA will provide whatever evidence it can to the person for the purpose of submitting their case contesting the proposed ban or seeking a reduction in the proposed length of ban. This will be evidence FFA has itself that it is legally able to provide or evidence that FFA has received from third parties who have authorised its disclosure;
- (vi) FFA will consider the person's submission and all available relevant material, including anything from the person's HAL Club, before determining whether to proceed to ban the person or not;
- (vii) any ban should be imposed in accordance with a published table;
- (viii) a person who is banned, will have a right to appeal the ban to a body which is separate to FFA, being an independent FFA Tribunal comprising legally qualified members;
- (ix) the independent tribunal will have the power to uphold a ban, overturn a ban or in exceptional circumstances reduce the length of a ban; and

- (x) the right to appeal will exist for seven years from the date of the imposition of the ban.

A2 Table of Prohibited Conduct

The Review identified that whilst the existing banning procedure uses a matrix of conduct and ban periods to ensure consistency in bans, it has not been communicated to the wider football community and therefore there is a lack of knowledge and understanding as to what behaviour is likely to lead to a ban and, with the exception of flare-related incidents, the likely length of bans.

Publication of a Table of Prohibited Conduct would provide greater transparency to the banning procedure and be an effective tool in deterring individuals from engaging in disruptive behaviour at FFA events.

It is RECOMMENDED that a table be published which:

- (i) details the relevant conduct which may lead to a ban;
- (ii) lists the minimum period of bans for each type of conduct which may only be reduced in exceptional circumstances; and
- (iii) the FFA and the independent tribunal must apply in the imposition of bans.

A3 Other

There are a number of other considerations which arose in stakeholder consultation which require further exploration and discussion, particularly as they involve cooperation and/or action by parties other than FFA. In particular, a key one is the question of providing information and evidence to FFA for the purpose of banning people. FFA's ability to disclose this material to persons who are banned, their legal representatives and the independent appeals tribunal, is a major issue to be addressed and not one that FFA is able to address on its own. The task is made more complex by virtue of different laws and restrictions applying in each of the states of Australia and further varies depending on the nature and type of material and the type of disclosure contemplated (e.g. providing copies, viewing of footage etc). Thus a complex matrix of evidence access/disclosure is involved. To the extent that this cannot be satisfactorily addressed through cooperation and agreement amongst the various parties, legislative reform may be required and indeed could represent the clearest, most effective and uniform means of tackling this challenge.

It is RECOMMENDED that FFA:

- (i) continue to work with the multitude of stakeholders involved in each of the various state jurisdictions (in particular venue operators and police) to pursue an outcome whereby as much access as possible can be granted to information and evidence relied upon to ban persons. As required FFA should pursue legislative reform to this effect;
- (ii) work with relevant stakeholders to strengthen the existing protocols and document control and security measures employed in relation to the distribution and authorised use of the List of Banned Persons for the purposes of

enforcement of bans, including exploring available software solutions and appropriate technology to improve the document control system;

- (iii) work with HAL Clubs in particular to explore the potential for a club-based community service program to be factored into the banning procedure; and
- (iv) recognising that this is a wider issue that goes beyond football, work with other sports and government to investigate whether a person banned for certain conduct (e.g. engaging in violent conduct) should also be automatically subject to a wider ban from sporting events generally, via legislation.

(b) **Part B: Flare management**

During the consultation process, it became apparent that the management of flares remains the most important issue facing the sport of football at present, and the eradication of the ignition of flares by a very small group of spectators would go a long way to:

- enhancing the enjoyment of Hyundai A-League matches for the majority of fans;
- diffusing tension between fans and security providers; and
- otherwise permitting the sport of football to achieve its true commercial and sporting potential in Australia.

B1 Flare Management

It is RECOMMENDED that FFA:

- (i) undertake a creative flare awareness raising campaign that is designed to ensure spectators understand the dangers of igniting flares particularly in enclosed spaces;
- (ii) develop and implement a policy for the application of fines and/or competition point deductions and/or other sanctions on HAL Clubs for flare related breaches by their Active Supporter Groups (as occurs with AFC and FIFA); and
- (iii) as relevant, continue to or commence engagement with State Governments to advocate legislative reform to address the issue of flares at sporting events. This is elaborated on at section C5 below.

(c) **Part C: Other matters for action related to match day security relationships between FFA, HAL Clubs and Active Supporter Groups**

The events leading up to and the focus of the December 9 Meeting focused on the FFA banning procedure. It was clear during the Review and particularly from the stakeholder consultation, that the banning procedure review could and should not be considered in isolation from the broader question of match day security relationships between FFA, HAL Clubs and Active Supporter Groups (and other parties such as venue operators, police authorities and security contractors). This section and the recommendations that follow are largely based on the feedback received from the stakeholder consultation process. As relationships are at the heart of this section, the respective roles of key parties are given express attention. Having said that, this is not an issue that can be managed individually and therefore even where there is one party that has a primary role or responsibility for an action, almost invariably that party will require the cooperation, collaboration and

commitment of others to achieve the outcome desired. To this end, the recommendations below pre-suppose these interdependencies.

C1 FFA

As the administrator of the sport of football in Australia, FFA has an important role to lead in order to achieve the Desired Outcomes. It is desirable that FFA assume the role of coordinating the actions of the various key stakeholders involved in spectators' match day experience. On the basis that the preferred approach is one of "prevention is better than the cure", FFA needs to lead on this issue and be proactive rather than reactive.

On the basis of feedback provided during the consultation process, the following are the recommendations related to the role of FFA in achieving the Desired Outcomes. In some cases, these relate to measures that are already in place and in other cases, involve new initiatives.

It is RECOMMENDED that FFA should:

- (i) formalise the existing stakeholder forums that currently exist to ensure there is structured and regular engagement between the relevant parties responsible for delivery of safe and enjoyable events. This may take the form of one or more forums, depending on the parties involved. For example, FFA could establish a formal Security Management Stakeholders Group to be chaired by an individual from FFA's senior management team and which includes representatives of key stakeholders. This Group would meet regularly (e.g. quarterly) and its key focus would be review of the MSS in operation and identifying a gap analysis with stakeholders, discussion of initiatives and improvements to the MSS and ensuring that action items arising from Group meetings are allocated and addressed. The mechanism for feeding Active Supporter Group positions into and out of this forum needs to be explored and discussed with the Active Supporter Groups themselves;
- (ii) explore with the Active Supporter Groups and HAL Clubs the best way to engage, which could involve establishing a formal forum involving FFA, HAL Clubs and Active Supporter Groups. The aim must be to provide the opportunity for genuine, respectful and constructive discussion and exchange of ideas relating to Active Supporter Groups' participation and their contribution to the Hyundai A-League. For example, this could include the role of self-policing which has been raised as a real area where the Active Supporter Groups can make a major contribution to achieving the Desired Outcomes;
- (iii) depending on the outcome of the discussions referred to above, in some forum, as a minimum and in conjunction with the HAL Clubs, conduct a pre-season and post-season review with representatives of the HAL Club Active Supporter Groups;
- (iv) educate venues and police on the role and traditions of Active Supporter Groups in football;

- (v) identify and re-inforce to relevant parties some of the key elements of the MSS, which require greater attention, focus or resource allocation. For example, some noteworthy ones that emerged in the consultation process were:
 - A. as far as practicable require that there is a continuity of service providers (police and venue security staff) at matches who would then understand the dynamic of the Active Supporter area and have the ability to build a level of rapport with them;
 - B. maintaining the various measures and standards that apply to the controlled environment of active fan areas (e.g. member-only, designated seating);
 - C. taking spectator and security management issues into account when developing the schedule of Hyundai A-League matches;
 - D. ensuring there is a clear statement on stakeholder responsibilities and that each takes responsibility for their respective duties with the implementation of the MSS;
 - E. making available dedicated and sufficient FFA staff to assist HAL Clubs in meeting their obligations and dealing with these matters; and
 - F. where necessary, seeking to have more CCTV installed for high risk Hyundai A-League matches inside and outside venues, as well as implementing other security measures such as police sniffer dogs;
- (vi) work with relevant parties to address issues of non-compliance with the existing MSS. Again, as with the recommendation above, some noteworthy ones that emerged in the consultation process were:
 - A. ensuring a security planning meeting with senior HAL Club representatives occurs early in the week of a high security Hyundai A-League match which discusses in detail protocols and steps to be adopted for that match;
 - B. ensuring that guidelines regarding key MSS matters are given to event management staff on game day; and
 - C. ensure post-match briefings and reviews occur;
- (vii) ensure that HAL Clubs are held responsible for non-compliance with the MSS;
- (viii) continue to conduct the formal annual review of the Minimum Security Standards as well as ongoing ad hoc consideration of implementation issues arising under the MSS from time to time;
- (ix) as part of a review of the MSS, consider incorporating the following initiatives:
 - A. communication to active supporter groups before high security matches; and
 - B. consider venue precinct infrastructure and implement appropriate risk management strategies;

- (x) conduct a pro-active media and communications campaign to educate and inform the football family, media and broader public about the matters the subject of this Report. This is expanded upon in the recommendations detailed in C4 below; and
- (xi) otherwise take steps to implement the recommendations set out in this report that are within its capacity including driving legislative and policy change where necessary.

C2 HAL Clubs

The investment of HAL Club owners and personnel of funding, time, human resources and individual personal dedication and commitment cannot be overstated. HAL Clubs have a significant and direct interest in seeing the Desired Outcomes achieved.

Given that generally the HAL Clubs are the hirer of the venues for Hyundai A-League matches and manage the delivery of the match days, they have a key role and responsibility to play in ensuring that a safe and enjoyable environment is provided. Further, the cost of match day policing and security can result in additional costs to HAL Clubs, which is expenditure which may be more effectively directed elsewhere within the HAL Clubs' operations.

On the basis of feedback provided during the consultation process, the following are the recommendations related to the role of HAL Clubs in achieving the Desired Outcomes.

It is RECOMMENDED that HAL Clubs should:

- (i) recognise their ultimate vicarious responsibility for their supporters' behaviour, assume a dedicated and pro-active approach to ownership of this issue, including by complying fully with the MSS;
- (ii) ensure that they regularly meet with their fan groups to discuss best practice and implement initiatives to achieve the Desired Outcomes. These regular individual meetings would be in addition to the forums involving FFA identified above;
- (iii) ensure that the membership categories that HAL Clubs offer do not impede the achievement of the Desired Outcomes;
- (iv) work to a position where they only identify and support a single Active Supporter Group at matches;
- (v) introduce a fan charter which encourages and rewards compliance e.g. provision of a CAPO stand, discussed further below in the recommendations detailed in C3 below;
- (vi) work proactively and co-operatively with FFA;
- (vii) take an active role in assisting with appropriately training sufficient supporter marshals for matches;
- (viii) ensure their coach, captain, players and staff publicly advocate a position consistent with the flare awareness campaign;

- (ix) assist the police and venues to achieve their key objectives including no overcrowding of bays, no standing on seats, no congregating in isles and no flares;
- (x) be involved in the planning of pre-match meeting points of fans;
- (xi) ensure their travelling fans have greater contact with venues and police concerning their away day arrangements; and
- (xii) ensure strict compliance with the MSS, including that a senior club representative be present at the pre-match briefing and at the operations room on match day for Medium and High Risk matches.

C3 Engagement with Active Supporter Groups – Spectator Charters

At present there is important work to be done between FFA, HAL Clubs, venue operators, security providers and supporters to build a greater level of trust and respect between these key football stakeholders. FFA's recent appointment of a dedicated fan engagement department is an important step in achieving this outcome.

Throughout the consultation process, it was evident that there would be value in the development of spectator charters. A charter already exists for Melbourne Victory and Sydney FC is well progressed in establishing its own charter.

On the basis of feedback provided during the consultation process, the following are recommendations related to development of a Spectator Charter to assist in achieving the Desired Outcomes:

It is RECOMMENDED that:

- (i) each HAL Club should implement a spectator charter (which is separate to the FFA Spectator Code of Behaviour) which is agreed between the HAL Club, the HAL Club's home venue(s), contract security providers, police and Active Supporter Groups. This would be an important education piece for all parties to understand and agree what is and is not acceptable behaviour and provide clear communication for all on consequences for both good and poor behaviour. The implementation of a charter is aimed at reducing the requirements of police and security to intervene;
- (ii) the spectator charter should include appropriate incentives agreed upon between active fans/spectators and other parties to the charter which sees adherence to the charter rewarded with initiatives such as CAPO stands, TIFO's and other items that are desired by the relevant supporter group and acceptable to the HAL Club and venue;
- (iii) FFA not mandate a particular form of spectator charter, but otherwise provides to HAL Clubs (to consult with venue operators and Active Supporter Groups) a sample spectator charter that can be customised by each HAL Club and Active Supporter Group which otherwise contains the following basic principles:
 - A. no standing on seats;
 - B. no congregating in aisles;

- C. no overcrowding of bays;
 - D. no carrying or activation of flares;
 - E. provides agreed incentives / rewards to supporters for compliance with the spectator charter;
 - F. fans to meet and march at designated requirements including relevant police application forms and times;
 - G. avoiding conflict with other supporters as outlined in the FFA Spectator Code of Behaviour;
 - H. working cooperatively with police and other security providers to enable those parties to meet their objectives for both inside and outside the venue;
 - I. breach of the spectator charter result in incentives / rewards being suspended or revoked; and
 - J. includes an escalation process for dealing with incidents which sees marshals respond first, followed by venue security and police as a last resort;
- (iv) each spectator charter have an agreed communication plan to ensure it is properly communicated to all fans emphasising that it is essential for the effective implementation of the spectator charter, to build relationships between the fans and security providers and that to achieve the Desired Outcomes, fans effectively start to self-regulate;
 - (v) guidelines be established to support the implementation and operation of the spectator charter; and
 - (vi) each charter reflects the elements that are required to be standardised across each HAL Club's spectator charters as to what is and isn't acceptable as already contained in the MSS (e.g. flag sizes).

C4 Communication Strategies With Stakeholders

A consistent theme which arose during the consultation process was the need for more effective communication between the various key football stakeholders.

On the basis of this feedback provided during the consultation process, the following are the recommendations related to communication strategies to assist in achieving the Desired Outcomes.

It is RECOMMENDED that:

- (i) FFA establishes an effective communication strategy to ensure that each football stakeholder clearly understands their obligations in relation to behaviour related to FFA sanctioned events, is regularly reminded of the importance of these issues and the expectation that they adhere to certain standards; and
- (ii) in addition to paragraph (i) immediately above, some of the specific matters which FFA should address in the context of its communication strategies should include the following:

- A. establishing a clear position on what the Hyundai A-League stands for, in an effort to help drive and shape desired behaviour and atmosphere at Hyundai A-League matches;
- B. ensuring the revised FFA banning process and accompanying Table of Prohibited Conduct are properly communicated;
- C. proactively communicating with supporters ensuring consistency and alignment in messaging by HAL Clubs and FFA;
- D. review of the communication with Active Supporter Groups, to ensure improvement in this area, and to ensure communication is ongoing;
- E. consideration of use of ex-players as fan ambassadors to help build relationships between the key football stakeholders and promote key messages;
- F. transparency on initiatives being worked on in an effort to build respect between fans, HAL Clubs, FFA, venues and police;
- G. educate fans on powers of CCTV so that they understand that if they transgress into engaging in disruptive behaviour they will be identified;
- H. education that banning decisions are made on the balance of probabilities and not on beyond reasonable doubt; and
- I. creating a communication strategy that is contemporary and which resonates with the supporter demographic.

C5 Legislative Reform

On the basis of feedback provided during the consultation process, it is clear that in order for the Desired Outcomes to be achieved, legislative reform by relevant State governments will play a vital role. This legislative reform particularly relates to the first two of the Review's Terms of Reference – ie the banning procedure and flare management.

It is RECOMMENDED that the various State governments be lobbied to:

- (i) enact legislation which appropriately regulates the sale of flares and other specified devices (e.g. incendiaries, detonators);
- (ii) where necessary, ensure there is legislation in force which makes it an offence for a person to possess a proscribed device on a Hyundai A-League match day within a prescribed period in a precinct surrounding a relevant venue and inside the venue itself;
- (iii) where necessary, amend legislation to provide police with the ability to implement precinct bans, in an effort to help address the lighting of flares en-route to matches;
- (iv) enact uniform laws nationally for trespassing to apply to individuals who are subject of banning orders and who seek to enter venues whilst subject to a banning order;

- (v) allow for the release and sharing of certain information and evidence for the purposes of banning disruptive individuals, including, to the extent necessary, amending the Privacy Act;
- (vi) enact legislation which impose fines on those individuals who are evicted;
- (vii) enact legislation which prescribes that a ban from a Hyundai A-League match venue results in being banned from attending other events held at that venue for the period of the ban;
- (viii) provide a process for the national sharing of information between police forces and security providers for the purposes of banning disruptive individuals; and.
- (ix) ensure that the relevant police application forms for the approval of spectator marches contain a requirement for organisers to consult with police regarding the route, timing and expected conduct of marches.

Report - Review of Football Spectator Banning Procedure and Related Matters

ANNEXURE 1 – STAKEHOLDER CONSULTATION

Stakeholder	Participated in Review
Active Supporter Groups	
Adelaide United – The Red Army	Yes, in person
Brisbane Roar – The Den	Yes, in person
Central Coast Mariners – The Yellow Army	Advised no submission to make and elected to wait for outcome of the review
Melbourne City – The Melburnians	Yes, in person
Melbourne Victory – North Terrace	No, group declined offer to meet. Elected to wait for outcome of the review
Newcastle Jets – The Squadron	Yes, in person
Perth Glory – Perth Terrace	Advised no submission to make and elected to wait for outcome of the review
Sydney FC – The Cove	Yes, in person
Wellington Phoenix – The Yellow Fever	Yes, via phone conference
Western Sydney Wanderers – Red and Black Bloc	No, group declined offer to meet. Elected to wait for outcome of the review
Stadiums	
AAMI Park	Yes, in person
Etihad Stadium	Yes, in person
Hunter Stadium	Yes, in person
Central Coast Stadium	Yes, in person
Allianz Stadium	Yes, in person
Pirtek Stadium	Yes, in person
Nib Stadium	Yes, via phone conference
Suncorp Stadium	Yes, via phone conference
Coopers Stadium	Yes, in writing
Police	
New South Wales Police	Yes, in person and in writing
South Australia Police	Yes, via phone conference and in writing
Victoria Police	Yes, in person
Hyundai A-League Clubs	
Adelaide United	Yes, in person
Brisbane Roar	Yes, via phone
Central Coast Mariners	Yes, in person
Melbourne City	Yes, in person
Melbourne Victory	Yes, in person
Newcastle Jets	Advised no submission to be made
Perth Glory	Yes, in person
Sydney FC	Yes, in person
Wellington Phoenix	Advised no submission to be made
Western Sydney Wanderers	Yes, in person

Report - Review of Football Spectator Banning Procedure and Related Matters

State and Territory Government Entities	
Venues New South Wales	Yes, in person
Visit Victoria	Yes, in person

NOTE – Each of FFA's nine (9) Member Federations were also invited to participate in the review and in addition to that from the above stakeholders feedback from Member Federations has been used to inform the observations and recommendations in this Report.

ANNEXURE 2 – FFA NATIONAL BANNING PROCEDURE

The FFA national banning procedure was developed in 2008 utilising the following sources:

(a) **Literature Review**

A literature review including a review of relevant legislation, standards, guidelines (including material provided by Australia's Security & Intelligence Organisation (ASIO) and the Commonwealth Attorney General's Department) and other reference material, including recognised subject matter texts such as:

- The Guide to Safety at Sports Grounds, colloquially known as the Green Guide is a UK Government-funded guidance book on spectator safety at sports grounds.
- FIFA Safety Regulations 2009 (now 2013) released by FIFA and intended to make match organisers aware of their duties and responsibilities before, during and after matches.
- *'Football Hooliganism'* (Steve Frosdick, Peter Marsh, Willan Publishing 2005);
- *'Understanding Football Hooliganism: A Comparison of Six Western European Clubs'* (Ramón Spaaij, Amsterdam University Press 2006); and
- *'Tackling football hooliganism: A quantitative study of public order, policing and crowd psychology'* (Stott, Clifford; Adang, Otto; Livingstone, Andrew; Schreiber, Martina, Psychology, Public Policy, and Law, Vol 14(2), May 2008).

(b) **Consultation with Stakeholders**

Various stakeholders, including representatives from HAL Clubs, some of the HAL Clubs' fans, venues (including their contracted security providers), and police were also consulted both domestically (across playing jurisdictions) and internationally to ensure that best practice could be identified and recommended for implementation.

(c) **Australian Sporting Codes**

The National Rugby League (**NRL**) was a national code that was examined in the development of the FFA banning process as it had an active banning procedure at the time.

The program identified local stadium security guards as the delegated authority to initiate bans at venues. While this provides the capacity to ban on the spot, feedback identified that there were common mistakes resulting from the program because it was administered by contract security working at the match.. NSW Police subsequently adopted and supported this NRL program and can now issue bans on behalf of the NRL.

Research at the time outlined that venue practices to locally exclude individuals were generally relied on by other domestic codes.

(d) **Non-sporting owner operators of infrastructure and/or events**

Research was undertaken on programs in place at non-sporting venues/events that operate on the premise that the owner, operator or person in charge of a piece of infrastructure or event (i.e. the hirer and or venue operator) has the express right to determine who is permitted to enter their premises or event (subject to anti-discrimination laws). Nightclubs, shopping centres and private clubs including Returned Services Leagues Clubs, effectively exercise these rights daily. These businesses take this action at their ultimate discretion,

based on their specific 'Conditions of Entry'. No rights of appeal are provided to persons excluded.

(e) **United Kingdom Football Banning Model**

During the development of the program the UK model was specially examined. Football Banning in the UK is primarily legislation based. A UK football banning order is a civil order rather than a criminal sanction and is used as a preventative tactic rather than a penalty for past behaviour. The purpose is to stop certain persons causing trouble at football matches both home and abroad.

Further detail on the United Kingdom banning procedure is contained at section 7.3(c) of this Report.