

**DISCIPLINARY AND ETHICS COMMITTEE OF THE FOOTBALL FEDERATION OF  
AUSTRALIA**

**DETERMINATION IN THE FOLLOWING MATTER:**

<b>Player and club</b>	Lisa De Vanna, Canberra United
<b>Alleged offence</b>	Serious Unsporting Conduct (R6)
<b>Date of alleged offence</b>	5 February 2017
<b>Occasion of alleged offence</b>	Match between Canberra United and Melbourne City
<b>Date of Disciplinary Notice</b>	13 February 2017
<b>Basis the matter is before the Disciplinary Committee</b>	A referral under clause 10.3 of the FFA National Disciplinary Regulations
<b>Date of Hearing</b>	Heard on the papers
<b>Date of Determination</b>	Wednesday, 22 February 2017
<b>Disciplinary Committee Members</b>	Anthony Lo Surdo SC, Acting Chair Arthur Koumoukelis Jason Culina

**A. INTRODUCTION**

1. This matter concerns a serious infringement that escaped the attention of the Referee between Lisa De Vanna of Canberra United (the **Player**) and Jessica Fishlock of Melbourne City. It occurred in or around the 109<sup>th</sup> minute of the Westfield W-League semi-final match between Canberra United and Melbourne City which took place on Sunday, 5 February 2017.
2. As a result of this incident, on 13 February 2017 the FFA cited the Player pursuant to clause 1.1 of the Westfield W-League Disciplinary Rules (**Rules**) and clause 4.1 of the National Disciplinary Regulations (the **Disciplinary Regulations**) to appear before this Committee. The disciplinary hearing notice asserted there was an Offence No.5 (R6 for players) – *Serious Unsporting Conduct* (the **Offence**). The offence concerned an alleged off the ball contact between the Player and an opposing player, Jessica Fishlock.
3. This Committee was convened to hear the matter and determine whether an offence had been committed by the Player and, if so, what sanction should be imposed.
4. The minimum sanction for the Offence under the Rules is the Mandatory Match Suspension.

## **B. JURISDICTION**

5. The Disciplinary and Ethics Committee (**the Committee**) has jurisdiction under clause 4.2(b) of the Disciplinary Regulations to sanction a serious infringement which has escaped the Referee's attention.

## **C. THE HEARING**

6. The matter had been set down for hearing on Wednesday, 22 February 2017.
7. On 20 February 2017, the Player made application for the hearing to proceed either on the papers or via video or tele conference. The purpose for the request was to minimise as far as possible any disruption to the Player's participation in the Australian National Team's training camp. The application was also made in circumstances where it was anticipated that the Player would plead guilty to the Offence.
8. On condition that the Player proposed to plead guilty to the Offence and that there was unlikely to be any or any substantial dispute as to the sanction that should be imposed, on 20 March 2017, the Committee made a direction pursuant to clause 13.2 of the Judicial Bodies By-Law (**By-Law**) that the hearing proceed on the papers, that is, without the need for any appearance by or on behalf of the Player or the FFA.
9. The Committee considered the following material:
  - (a) The Disciplinary Hearing Notice dated 13 February 2017;
  - (b) Video footage of the incident taken from different angles;
  - (c) Written submissions on behalf of the Player provided by Phillip Stephen Brown, CEO of Canberra United by email dated 20 February 2017, which submissions also contained a statement from the Player; and
  - (d) Written submissions provided by the FFA Disciplinary Counsel, Mr Ivan Griscti dated 21 February 2017 which included the Player's disciplinary record from 2006 to date.
10. These are the written reasons of the Committee given in accordance with clause 18 of the By-Law.

## **D. THE FACTS**

11. Around the 109<sup>th</sup> minute there was an incident following the Referee having stopped play for an offside offence against Canberra United. The incident in question was between the Player and Jessica Fishlock from Melbourne City.
12. The video footage shows:
  - (a) Play having been stopped due to an offside offence by Canberra United;
  - (b) Jessica Fishlock with her back to the Player and each walking away from the ball in anticipation of a re-start of play following the off-side call. The video footage shows the Player about 3-4 metres behind Ms Fishlock immediately before the incident the subject of the Disciplinary Notice;
  - (c) the Player is then seen to start running towards Ms Fishlock. The Player's left upper arm/shoulder makes contact with Ms Fishlock's upper back with sufficient force to knock her to the ground. The Player then continued to run past Ms Fishlock;

(d) Ms Fishlock was able to resume play after a few moments. She did not require any assistance from medical staff.

13. The Player provided a written statement to the Committee in the form of an email communication from Mr Phillip Brown, CEO of Canberra United. It is in the following terms:

*I have been asked by Lisa de Vanna to make this statement on her behalf.*

*Lisa Pleads guilty to the offence listed in the Disciplinary Hearing Notice.*

*Lisa has also asked me to state that there was provocation before the incident, but she accepts that her actions infringed the laws of the game.*

*Lisa genuinely regrets her action.*

*Further, Lisa states that "I apologise to Rae, my Canberra United teammates and the Club for the incident as they've all been so welcoming to me and treated me like part of their family. I apologise for any negative attention this has brought to the Club and the W-League. I am now concentrating on going to Portugal with the Matildas and representing my country in the Algarve Cup"*

*I would submit that this offence, when looked at closely, is at the bottom end of the scale of seriousness of the offence and Lisa should only receive the minimum sanction*

14. The Player has a generally positive disciplinary record.

**E. SUBMISSIONS**

15. The Player:

- (1) accepts that the Offence has been committed;
- (2) asserts that there was provocation before the incident but accepts that her actions infringed the LOTG;
- (3) genuinely regrets her action;
- (4) has apologised to her Club, her coach, her team mates and the W-League for any negative effect that the incident may have brought to the Club and to the W-League; and
- (5) submits that the offence is at the lower end of the scale of seriousness for the offence and that the Committee should hand down the least severe penalty available, being the minimum match suspension.

16. FFA made the following submissions:

- (1) the only evidence in relation to the incident is the video footage. The incident was not observed by the Referee or the other Match Officials;
- (2) the video footage is self-explanatory. The Player made deliberate and unnecessary contact with the opposing player;
- (3) the contact – possibly coupled with the surprise – was enough to cause the opposing player to fall to the ground; however, it was not particularly violent in nature. Nevertheless, it is the type of offence that would warrant a red card if seen by the Referee;
- (4) given the relative lack of force in the impact, unsporting conduct is the appropriate charge;
- (5) the Player has pleaded guilty to the charge of unsporting conduct;
- (6) the Player is currently in camp with the Australian National Team, the Matildas, preparing for a tournament in Portugal. She has expressed regret for her actions and has apologized to her Club, coach and team mates;
- (7) there is no information or evidence in respect of the Player's assertion that her conduct was as a consequence of provocation. In any event, provocation is usually not an excusing or mitigating factor;
- (8) the Player's record is generally good save for one comparable incident when she received a direct red card in the W-League 2015/2016 season. There are no other red cards;
- (9) the minimum sanction for the offence is the mandatory match suspension;
- (10) having regard to the nature of the incident, the Player's acceptance of the charge, her expression of regret and her record, the mandatory match suspension is appropriate.

#### **F. CONSIDERATION AND FINDINGS**

17. It is not in dispute that the offence was committed. It was an off the ball challenge on Ms Fishlock who had her back to the Player at the time and hence was in no position to take evasive action for her own protection.
18. It was conduct which endangered the safety of an opponent and involved the use of excessive force. It is a challenge which, had it been sighted by the Referee, would have justified the Player being sent-off. Though it is not in contention, we are satisfied from the video footage that the Referee did not see the challenge.
19. The Player makes reference to "provocation before the incident." She does not particularise any act of provocation by Ms Fishlock nor does the video footage disclose any conduct which could be considered provocative. In any event, it does not appear that the Player places any or any significant weight on that allegation and certainly does not rely upon it by way of any excuse, mitigation or as an extenuating circumstance. That is to her credit.
20. Unlike the Hyundai A-League Disciplinary Regulations (**HAL Regulations**), the Rules do not provide any guidance on the considerations which the Committee may consider when determining any appropriate sanction within the Table of Offences. In the absence of such guidance we take comfort from a consideration of the matters referred to in clause 11.2 of the HAL Regulations which, it seems to the

Committee, is as apposite in the W-League as it is in HAL. Those matters include the nature and severity of the offence, the Participant's past record, the remorse of the Participant and any extenuating circumstances. Indeed, these are the factors which both the submissions of the Player and the FFA address.

21. Whilst the Offence involved an off the ball challenge which endangered the safety of an opponent and involved the use of excessive force it was, in the opinion of the Committee, in the lower range of offences of this type. So much is evident from the fact that Ms Fishlock was able to resume play without medical or other attention shortly after the incident.
22. The Player has a good playing history having recorded only one other red card in the W-League 2015/2016 for a similar incident. She has been playing professionally for at least 10 years. The Player has shown remorse for her actions and provided an apology to her Club, her coach, her teammates and the W-League. There are no extenuating circumstances of which we are aware. For the reasons outlined in paragraph 19, we place no weight on the claim that there was provocation.
23. In these circumstances, the Committee is of the view that the appropriate sanction is the minimum match suspension.

**G. RESULT**

24. The Offence has been established.
25. The sanction imposed is the minimum match suspension.



A P Lo Surdo SC  
Disciplinary and Ethics Committee Acting-Chair  
Wednesday, 22 February 2017