

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

DETERMINATION OF THE COMMITTEE IN THE FOLLOWING MATTER:

Player and club	Michael Marrone of Adelaide United
Alleged offence	Serious unsporting conduct
Date of alleged offence	21.11.2017
Occasion of alleged offence	Match between Sydney FC and Adelaide United (FFA Cup Final)
Date of Disciplinary Notice	22.11.2017
Basis the matter is before the Disciplinary Committee	A referral: see clause 24.4(b)
Date of Hearing	Tuesday 28.11.2017
Date of Determination	30.11.2017
Disciplinary Committee Members	John Marshall SC, Chair Lachlan Gyles SC, Deputy Chair Rob Wheatley

A. INTRODUCTION

1. This matter concerns an incident which occurred between Michael Marrone (the **Player**) and a ball-boy where the Player made contact with a ball-boy and the ball-boy finished up on the ground. It is unacceptable for anyone assisting in the conduct of any game to be knocked to the ground by a player, let alone in the A-League or FFA Cup. No previous case which has involved a ball-boy or ball-girl has come before the Committee. Nevertheless, there have been instances where players have made contact with referees and other match officials and in such cases the Committee has applied a zero tolerance approach. Assuming the Player did not intend to knock the ball-boy to the ground, his conduct was nevertheless reckless and it is clearly inappropriate that a young ball-boy finished on the ground and could have been injured as a direct effect of the Player's actions.
2. The Player's evidence was that he thought that the ball-boy might not give him the ball "*so I was going to have to grab it*". That is obviously not an acceptable way of dealing with the situation, which indeed the Player realised very shortly thereafter.
3. The Player is presently 30 years old. He started playing football in under 6s. He represented South Australia from about the age of under 12. He had his first professional contract at age 21. Throughout that period the Player has had an exemplary disciplinary record. He has earned the respect of fellow players and is far from being regarded as a dirty player, notwithstanding that he is a defender. He has an excellent reputation in the game. These are important matters in his favour. Further the Player attended the hearing in person and impressed the Committee with

his honesty and recognition of the seriousness of his conduct. His behaviour after the incident showed compassion and contrition in checking to see that the ball boy was alright, and subsequently reaching out to his family, something that from the email exchange we can see was appreciated.

- Procedurally, the case came before the Committee pursuant to clause 24.4(b) of the Westfield FFA Cup Competition Regulations (the **Regulations**), which is dealt with in more detail below.

B. JURISDICTION

- Jurisdiction was accepted by the Player; nevertheless the basis of jurisdiction follows.
- A Disciplinary Notice dated 22.11.2017 was issued to the Player:



DISCIPLINARY NOTICE (Red Card or Expulsion)			
TO: (Player)	Michael Marrone	OF (Club)	Adelaide United

Football Federation Australia (FFA) provides this Disciplinary Notice (**Notice**) to you in accordance with the Westfield FFA Cup Competition Regulations (**Regulations**).

The purpose of this Notice is to advise you of the following:

- You were issued with a direct Red Card when playing for your Club against Sydney FC on Tuesday, 21 November 2017 in or around the 115th minute;
- In accordance with "Schedule A – Table of Offences" of the Regulations, FFA has determined that the Red Card Offence constitutes Offence No.5 (R6 for Players) being "Serious unsporting conduct" (the **Offence**);
- The Minimum Sanction for the Offence under the Regulations is the Mandatory Match Suspension;
- In accordance with clause 24.4(b) of the Regulations, FFA refers this matter to the Disciplinary and Ethics Committee for hearing and determination of the sole question of what additional sanction should be imposed (above the Minimum Sanction (inclusive of the Mandatory Match Suspension which must be served)), applying the Range at the Table of Offences in accordance with the Regulations;
- As you were issued with a direct Red Card by the Referee, you are required to serve the Mandatory Match Suspension and in accordance with clause 24.11(c) of the Regulations you will be unavailable for your Club's next match, being the Hyundai A-League Round 8 match against Western Sydney Wanderers FC on 26 November 2017.
- The hearing before the Disciplinary and Ethics Committee is scheduled to be held at FFA's offices (Level 22, 1 Oxford Street, Darlinghurst, New South Wales) and further details will be confirmed as a matter of priority.

Signed: 
For and on behalf of Football Federation Australia

Date: 22 November 2017

- The effect of the notice was to refer the matter to the Committee
- The Committee has jurisdiction under clause 24.3(d) of the Regulations to determine matters which have been referred to it pursuant to the Regulations. When a matter is duly referred, clause 24.2(c) provides that the Committee must determine the

matter and impose such sanctions as are authorised and appropriate to the determination in accordance with the Regulations.

9. Clause 24.4(b) provides that if the FFA has determined that, on the basis of the evidence reviewed:
 - (ii) there is sufficient evidence that leads FFA to consider that the incident is of such a serious nature that applying the Minimum Sanction only may be grossly inadequate in the circumstances,
 in which case, FFA will issue a Disciplinary Notice which:
 - (iii) notifies the Participant of the Minimum Sanction (inclusive of the Mandatory Match Suspension which must be served); and
 - (iv) refers the matter to the Disciplinary and Ethics Committee for hearing and determination of the sole question of what additional sanction should be imposed (above the Minimum Sanction (inclusive of the Mandatory Match Suspension which must be served)) applying the Range at the Table of Offences in accordance with these Regulations.
10. Accordingly, the sole question for the Committee is what sanction should be imposed.
11. Clause 24.18(d) provides that: A Judicial Body may verbally announce the Determination at the end of the hearing, but must provide written reasons for the Determination.

C. THE HEARING

12. On the evening of Tuesday 28.11.2017 the Committee heard the matter. At the conclusion of the hearing (following deliberations and pursuant to clause 24.18 of the Regulations) the Committee verbally announced the result of the hearing. These are the written reasons of the Committee in the "*shortest form reasonably practicable*" (see clause 24.18(c)(iii)).
13. At the hearing Disciplinary Counsel was Ivan Griscti and the Player was represented by Nathan Kosmina, acting CEO of Adelaide United. The Player attended the hearing in Sydney in person.
14. The evidence at the hearing comprised certain video footage provided by Fox Sports, the Disciplinary Notice and some other materials most of which are referred to below.

D. THE FACTS

15. Around the 115th minute of the FFA Cup Final, being late in extra time with Sydney FC ahead by one goal, there was an incident involving the Player and a ball-boy. The Player made contact with the ball-boy in an attempt to retrieve the ball from him. It is that interaction which is the incident in question. The Fox Sports video footage shows the incident.
16. Before turning to the footage, the referee provided a report:

In or about the 115 minute the ball went out of play in between the two technical areas for an Adelaide throw in. The number 2 of Adelaide, M. Marrone, ran towards the ball-boy (with medium speed) who had control of a ball wrap in his arms. As the player got to the ball-boy the ball-boy slightly turned his back to the player. In an attempt to get the ball the Adelaide player then grabbed the ball-boy in a "bear hug" style with enough force for the ball-boy to fall to the ground. This action created mass confrontation between both clubs. Once the melee was under control I showed the red card to M. Marrone (Adelaide number 2) for violent conduct.

17. The report of the referee is supported by the footage.
18. The following series of photos show the incident.



The above photo shows the Player gesturing for the ball from the ball-boy for the first time. It is an Adelaide throw in. This photo does not show the ball-boy.

19. Below the ball-boy is bottom right.



The above photo shows the gesturing by the player after having started to walk towards the ball-boy. At this stage the ball is on the ground obscured immediately to the left of the ball-boy.

20. The next photo shows the first moment that the ball-boy reaches down to grab the ball with his hands.



21. The next photo shows that the ball-boy picks up the ball and holds it under his right arm.



22. The player then runs towards the ball-boy at some real speed:



23. The ball-boy then starts to turn away – next two photos:





With the Player running at speed at him, the ball-boy may have turned away in surprise as a defensive mechanism.

24. The next photo shows the moment just before the Player makes contact with the ball-boy.



25. What follows thereafter is completely unacceptable. The Player's chest makes contact with the ball-boy and the Player reaches around the ball-boy in an attempt to grab the ball from him.



26. The contact with the ball-boy is shown from another angle in the photo below.



27. The next photo shows the ball-boy falling to the ground.



Sydney FC player Matt Simon can be seen reacting to the situation.

28. Even at this point, with the ball-boy on the ground the Player persists. He can be seen in the next photos reaching for the ball without contemplating assisting the ball-boy.





29. It is not until Matt Simon of Sydney FC arrives that the Player is deflected from his determination to grab the ball.



30. The next photos show the Sydney FC player making contact with the Player while the Player continues to reach for the ball all while the ball-boy is on the ground.



31. The Sydney FC player removes the Player forcibly from above the ball-boy:





32. At this point the Committee observes that no player should take it upon himself to become a policeman in the game. Matt Simon did that and was not sanctioned. The very unusual circumstances which led to him doing so are understandable. But for the extraordinary situation of a young boy being on the ground and Matt Simon acting in apparent defence of the third party innocent, his conduct from that point on might have drawn a sanction. Having removed the Player from the vicinity Matt Simon should not have gone on with it. However Matt Simon was not charged with anything and was not here to explain his conduct. The point of making this observation is to make it clear that generally the Committee regards dimly players who take it upon themselves to become after the event enforcers.
33. From this point onwards a scuffle breaks out but the Player walks away without any resistance.



34. At this point it appears that the enormity of the error he had made occurs to the Player, and from this point the Player did everything that could possibly be expected to ameliorate the mistake he had made. In the above photo the Player can be seen apologising to the ball-boy whilst also giving him a tap or handshake. This is after the Player has been given the red card.
35. The Player made these statements of contrition which recognise that what he did was wrong:
- (1) *The incident that occurred with the ball-boy on Tuesday night is one that I am sincerely regretful for.*

- (2) *I acted out of character in the heat of the moment which was unacceptable. I did not intend to cause any harm.*
 - (3) *Since the match I have made contact with the family involved to pass on my apologies and regret for the unnecessary stress it has caused them.*
 - (4) *I am thankful that the family have been understanding and supportive.*
 - (5) *I hope we can now move on from this situation and I understand and respect the FFA process we must now go through to do so.*
36. The Committee accepts that evidence. That conclusion is supported by the following:
- (1) Matt Simon, the Sydney FC player who intervened (somewhat zealously) said this of the Player:
 We know Mike. He hasn't got that in him. It was a heat of the moment thing...
 - (2) John Didulica (a highly respected football administrator, and presently with the PFA) said the Player has an excellent reputation and is *one of the absolute gentlemen of the sport.*
37. The Committee is satisfied that immediately upon being removed from area of the ball-boy the Player behaved as well as then could be expected and his conduct from that point is very much in his favour.

E. SUBMISSIONS

38. An initial issue was the appropriate classification of the Offence within the Table of Offences within the Regulations (a copy appears at the back of this determination). The Regulations are not relevantly different in this regard to the A-League Regulations.
39. There is a Table of Offences towards the back of the Regulations. That table draws a distinction between offences against a match official and other offences.
40. The very same conduct had it involved an assistant referee, the fourth official or some other person within the definition of match official would have been dealt with in the same way as in the case of *Berisha* (Determination 30.10.2017) and *Amor* (Determination 29.11.2016). In those cases the matter was under row 10 of the table where the minimum suspension was a minimum of four matches.
41. In this case the ball-boy does not appear to have fallen within the definition of match official. Accordingly the minimum sanction is only one match.
42. Nathan Kosmina submitted that the one match already served as at the time of the hearing was an adequate penalty. Disciplinary counsel recognised the many features of the case which were relevant to the appropriate sanction in accordance with clause 24.13(b) (which is to the same effect as clause 11.2 of the A-League regulations). In this regard the factual matters relevant in favour of the player submitted by Mr Kosmina were largely accepted by disciplinary counsel. Nevertheless disciplinary counsel submitted that an additional sanction of 2 matches of the minimum, making a total of 3 was appropriate.

F. CONSIDERATION AND FINDINGS

43. The Committee considers that the impact of the Player's conduct is significant. The young ball-boy volunteering to assist was knocked to the ground. This is the first

occasion that any person not a player has been knocked to the ground by a player. There have been incidents involving people who are formally match officials but none have been knocked to the ground. Here a boy of some 10-12 years of age found himself on the ground with a professional athlete standing over him in a not friendly fashion. The ball-boy could have been injured, and the incident occurred in one of the showcase matches of the football calendar in Australia, and within a week of World Cup Qualification, and was seen by many people both at the ground and on television, some of whom may have been new to the game. It was on any view a very bad look. An appropriate sanction has to take that into account. The match already served is not sufficient; nor even is one additional match.

44. The next question is whether factors in favour of the Player including his long service to the game and previously unblemished reputation should go towards how much more than two matches actually sat out should be imposed. Those factors together with his conduct after realising the enormity of what he had done, including taking immediate steps to apologise to the ball-boy and his genuine contrition, justify some favourable consideration. His record and the conduct referred to above point to the incident as being completely out of character for the Player.
45. The powers of the Committee are broad indeed under article 21.4(b) of the FFA Constitution. The powers include the ability to place an individual on a bond (which need not be financial but could be performance in the sense of a match suspension) and under article 24.4(b)(xvii) a power to impose "*such other disciplinary sanctions or measures as is appropriate in all the circumstances*".
46. In the circumstances here the sanction that is imposed will have two components. The first is two matches where the player will sit out, he has already sat out one. The second component is in the nature of a performance bond but in any event is such other sanction as this Committee considers appropriate. That component is that a further two matches suspension will be imposed in the event that, in any future match up until the conclusion of the Hyundai A-League 2017/18 season (including any finals matches), the Player commits any infringement (yellow card or red card) against any person who is not an opposing player (which is not overturned). For example any offence involving another ball-boy or ball-girl will trigger the additional two matches. Further, any offence at all against a person who is a match official will trigger the additional two matches. In one sense this brings the total potential sanction to four matches but the Player will only serve two matches if he satisfies the performance bond of not committing any infringement of the kind described.

G. RESULT

47. The Player is suspended immediately for two matches. One has already been served and the second of those two will be served when the player misses the home match against Sydney FC on the Friday following this determination.
48. In the event that in any future match up until the conclusion of the Hyundai A-League 2017/18 season (including any finals matches), the Player commits any infringement (yellow card or red card) against any person who is not an opposing player (which is not overturned), the Player would then have to serve an additional two match suspension.

John Marshall

J E Marshall SC, Disciplinary and Ethics Committee Chair

TABLE OF OFFENCES

Offence No.	Offence	Minimum Sanction
1 (R4 or R5 for Players)	Denying the opposing team an obvious goal-scoring opportunity	The Mandatory Match Suspension
2 (R6 for Players)	Use of offensive, insulting or abusive language and/or gestures	The Mandatory Match Suspension
3 (R1 for Players)	Serious foul play (e.g. when challenging for the ball)	The Mandatory Match Suspension
4 (R2 for Players)	Assault on a Player (e.g. violent conduct when not challenging for the ball) including an attempted Assault on a Player	1 additional match plus the Mandatory Match Suspension
5 (R6 for Players)	Serious unsporting conduct	The Mandatory Match Suspension
6 (R6 for Players)	Use of discriminatory language and/or gestures, including racist, religious, ethnic or sexist	4 additional matches plus the Mandatory Match Suspension
7 (R3 for Players)	Spitting at a player	5 additional matches plus the Mandatory Match Suspension
8 (R2 or R6 for Players)	Inciting a brawl	5 additional matches plus the Mandatory Match Suspension
Specific Offences Against a Match Official		
9 (R6 for Players)	Use of offensive, insulting or abusive language and/or gestures against a match official	The Mandatory Match Suspension
10 (R6 for Players)	Unsporting conduct toward a match official	3 additional matches plus the Mandatory Match Suspension
11 (R2 for Players)	Assault of a match official	6 months including the Mandatory Match Suspension
12 (R3 for Players)	Spitting at a match official	12 months Including the Mandatory Match Suspension