



Grievance Hearing Result

This notice is issued in accordance with Article 21 of the Football West Disciplinary & Grievance By-Law.

Charged Party

Name	Nino Antonucci	Position	Player
Club	Nickol Junior Soccer Club	Registration No	

Fixture Details

Date	1 June 2011	Time	
Fixture	U13 Nickol 2 v Glory Orange		
Competition	Karratha Districts JSA		

Breach Details

Details of Alleged Offence	Playing across divisions
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Hearing Outcome

Finding	<p>Preliminary comments:</p> <ol style="list-style-type: none">1. By way of comparison, under Article 8.4 of Football West's Rules of Competition, it is the responsibility of the club to ensure that a player participating in a fixture is eligible to do so.2. The penalty for breach of Article 8.4 is forfeit. That is, the individual player is unlikely to be penalised by Football West.3. A club can sanction its members if it does so in accordance with principles of natural justice and procedural fairness. <p>Findings:</p> <ol style="list-style-type: none">1. The decision by Nickol Junior Soccer Club to suspend Nino Antonucci for "playing across divisions" was not made in accordance with the principles of natural justice. Specifically, the Club did not adequately (or specifically) inform N Antonucci or his parents of the fact that the Club was considering imposing a period of suspension, nor did it provide an adequate opportunity for N Antonucci or his parents to address the matters raised in respect of the proposed "penalty" before the Club made a decision to suspend N Antonucci. In addition, it was not apparent to the Grievance Tribunal that the Club had the ability under its own rules (Constitution) to suspend N Antonucci for "playing across divisions".2. If Nino Antonucci or his parents request that the matter be progressed by the Nickol Junior Soccer Club, the Club will consider the matters (including the question of whether to suspend N Antonucci) and reach a fresh decision. In reaching a fresh decision, the Club will act in accordance with its Rules (that were in effect at 1 June 2011), in accordance with principles of natural justice and procedural fairness, and
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	<p>will reach a decision that is consistent with Article 8.4 of the Football West Rules of Competition.</p> <p>3. Irrespective of whether the Club makes the same decision (applying principles of natural justice) to suspend Nino Antonucci, any such decision would extend only to N Antonucci's ability to play soccer for the U13 Nickol 2 team. That is, N Antonucci is able to play for any and all other teams in the Karratha District Junior Soccer Association.</p>
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Date of Notice	6 October 2011
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Right to appeal

You have the right to appeal this decision in accordance with the conditions of Article 22 of the Football West Disciplinary & Grievance By-Law.



Keith Wood
Competitions Manager