



Reasons for Decision

These reasons are issued in accordance with Article 18, paragraph 11 of the Disciplinary & Grievance Regulations 2023.

Hearing

Charged Party	Joondanna Blues FC
Hearing Date	2 August 2023

Reasons

Joondanna Blues FC (**Joondanna**) was charged with offence 39, breach of Article 8.3a of Annexure 3 of the Community Competition Rules (**Amateur Competition Rules**) by not accurately completing an Electronic Match Card (**EMC**) prior to an Amateur League Division 3 First team game against MUM FC on 9 July 2023 (**Match**).

While Joondanna accepted their guilt to the charge, the proposed penalty was disputed. The proposed penalty, as mandated by Article 8.3a, was a forfeit and a fine of \$200.00.

Background

The following facts are not in dispute:

1. The Community Competition Rules (**CCR**) provides the following statement in its preamble:
"A club that affiliates with FA and enters a Team or Teams into Football West competitions is deemed to accept these Competition Rules."
2. Joondanna acknowledged that it was and remains subject to the CCR.
3. Article 1.19 of the CCR provides:
"Each Club acknowledges that it is not entitled to rely upon a Match Official's interpretation of these Rules, and that these Rules are distinct from and in addition to the FIFA Laws of the Game."
4. Article 8.3a provides:
*"An Electronic Match Card must be completed accurately fifteen (15) minutes prior to the commencement of the Match and the following penalties apply to a breach of this requirement:
If no Match Card is submitted: Penalty for Breach: Forfeit an \$200 Fine."*
5. Squadi is the application used by Football West (**FW**) for the completion of EMCs.
6. Joondanna did not complete an EMC via Squadi at the required time or at all.
7. Article 8.12 of the Amateur Competition Rules provides:
"If a there are technical difficulties with the Electronic Match Card system a Team may email Football West Club Support with the details of a participants in the Match prior to the Match's scheduled kick off time and Football West may at its discretion accept this as a valid Electronic Match Card."
8. Joondanna completed accurate EMCs via Squadi for the second and third rounds of the season, but then failed to do so for rounds 4 to 11.

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9. Joondanna did not email details to Football West (**FW**) as per Article 8.12 prior to the kick off of any of those matches.
10. Broadcasts, via the Squadi app, were sent to all clubs on 29 June 2023 (**29 June Broadcast**) and 12 July 2023 (**12 July Broadcast**).
11. On 10 July 2023, after the Match and as a result of information provided to FW by another club, FW issued a disciplinary infringement notice in relation to the Match.
12. No disciplinary infringement notices were issued for rounds 4 to 11.

Tribunal Hearing

Joondanna was represented by the following:

- (a) Maurice Falcone, President;
- (b) Themo Georgiou, Interim Club Secretary; and
- (c) Jon McGinty, Manager and player.

FW was represented by Jamie English, FW Disputes and Grievances Officer.

Joondanna's Position

While Joondanna accepted its culpability under the CCR, it believed that a forfeit of the Match was too harsh a penalty for the offence, based on the following three reasons:

1. They honestly believed that there was no breach of the CCR.
2. The integrity of the competition was not affected.
3. It was fair not to impose the forfeit penalty.

Honest Belief

Mr McGinty said that, as a result of issues with lodging the EMC via Squadi in round 4 on 14 May 2023, he telephoned FW on 15 May and was told that FW were *“already aware of the application issues and were actively looking into resolving them”*. He was not informed of any alternative method of notifying FW such as that provided in Article 8.12 of the Amateur Competition Rules.

He said that on each occasion after that initial contact with FW, he always showed the Referee and the other team manager the players who were registered and confirmed who was playing.

He continued to have issues with completing EMCs on Squadi, so assumed that FW was still attempting to resolve those issues and, because results and statistics continued to be recorded accurately on Squadi, there was not particular issue with the failure.

It was not until the 12 July Broadcast that he understood that there was an alternative method for contacting FW with the EMC.

Integrity of Competition

Mr Georgiou argued that, because all statistics in relation to the Match (and other rounds) were accurately recorded, there was no effect on the league positions within the competition.

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Fairness

Basically, there were three arguments relating to whether the sanction proposed by FW was fair on Joondanna. Those reasons were:

1. Issues with the Squadi app were ultimately to blame. There had been inadequate communication from FW about resolving issues with Squadi and how to address those issues, i.e. emailing the EMC to FW in advance of a match if there was an issue doing so via Squadi.

In fact, it was not until the 12 July Broadcast that this was highlighted. Even though the 29 June Broadcast referenced the need for accurate submission of the EMCs, it was only in the 12 July Broadcast that the alternative methodology of emailing FW was highlighted. He highlighted the coincidence or irony in the 12 July Broadcast arriving shortly after the infringement notice.

They had never had issues with lodging team sheets accurately to FW using past methods.

2. Results were being reflected accurately, so there was no harm. Clearly, other teams in their division were also submitting no, or inaccurate, EMCs, apparently without punishment.
3. As soon as they knew they were in the wrong, they provided FW with full details of participants in all the previous rounds, by providing their team sheets are registered on their internal team management system, Heja.

FW's Position

Basically, FW's position, as set out in its own written submissions, was that it was clear from the CCR that Joondanna was subject to the CCR in general and Article 8.3a in particular.

The mandated punishment for breach of Article 8.3a is the penalty imposed. In terms of fairness, the fact that FW has not sought to impose any sanction for rounds 4 to 11 indicates a significant mitigation of any argument of lack of fairness in the punishment.

As to the integrity of the competition, Squadi links specific players to specific shirt numbers on the day, and a failure to record which player was wearing a specific shirt could result in the incorrect sanction being applied in case of any offence.

It was worth noting that the complaining club suggested that shirt numbers were being switched to avoid accumulations of cards. FW indicated that there was no evidence to support that allegation.

Tribunal Findings

On the basis of an acknowledgement of guilt, the Tribunal only had to consider penalty.

The Tribunal was satisfied that there was no intention to deceive by the failure to register the EMC accurately on Squadi and was appreciative of the attendance at the hearing by Messrs Falcone, Georgiou, and McGinty.

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The Tribunal was not satisfied that the 12 July Broadcast could be used to argue that it should have notified clubs sooner of an alternative methodology for notifying FW of team sheets. The Amateur Competition Rules are clear on the point and as a participant in that competition it was for Joondanna to be aware of the rules which had been published some months previously.

However, despite the argument that the integrity of the competition was not impacted because results and statistics were accurately recorded, the Tribunal is also required to consider the potential impact on the integrity for all competitions under FW.

If a club could simply argue that it was an honest mistake each time it failed to lodge an EMC, or even that it was unaware of another rule, then the integrity of the competition would be at risk.

Further, the Tribunal needs to be conscious of deterring other clubs from ignoring (or failing to be fully aware of) the competition rules generally.

On the question fairness, the Tribunal considered that the failure to complete EMCs accurately for rounds 4 to 11 could have resulted in significantly more forfeits and fines.

It is within the Tribunal's powers to consider other sanctions permitted under the Football Australia Constitution but were not minded to do so in this case.

However, the Tribunal does urge FW to investigate other apparent breaches of Article 8.3a within the league, as a result of information provided to it as part of this process.

Decision

In that light, the Tribunal imposed the following penalty:

1. Forfeit.
2. Fine of **\$200.00**.