



Prescribed Form 7 – Determination of Disciplinary Tribunal

Charged Party

Name	Ewan Robertson	Club	Kingsley West FC	Reg No	982885
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Fixture Details

Date	08/March/2025	Time	19:25
Clubs	Mandurah City Football Club V Kingsley Westside Football Club		
Competition	Night Series	Grade/Age	State League

Offence Details

Offence Description	i) Breach of Football West Code of Conduct ii) Breach of Football West Spectator Code of Conduct
Football West Penalty	i) Not eligible to be registered and/or compete in any Football West sanctioned competitions, until season 2027 ii) 5-year ban on entry to Sam Kerr Football Centre (from date of incident – 8th March 2030)

Hearing Outcome

Finding	i) Breach of Football West Code of Conduct - Guilty ii) Breach of Football West Spectator Code of Conduct - Guilty
Penalty	i) 5-year ban on entry to Sam Kerr Football Centre (from date of incident – 8th March 2030) ii) Not eligible to be registered and/or compete in any Football West-sanctioned matches until the 3rd competitive state-league match for the season commencing in 2026 (Ban). For the avoidance of doubt, the Ban applies to all competitions, including any night-series games. iii) A suspended Ban until the season commencing in 2027 (on the same terms as penalty (ii) above) which will be enforced against the Charged Party if, at any time until the commencement of season 2027 (Probation Period), the Charged Party is found by Football West to have: a. breached the Football West Code of Conduct; b. breached the Football West Spectator Code of Conduct; or c. committed serious violent conduct as a Player or Team Official. For the avoidance of doubt, the Charged Party may continue to attend and participate in any Club training or practice.
Summary of Determination	<p>The Tribunal heard this matter on 29 May 2025.</p> <p>The Charged Party, being Ewan Robertson, was represented by his legal counsel George Grasa.</p> <p>The Tribunal read, heard and considered all the material before it, and reached its decision on the basis of its consideration of all material. In this summary of its determination, the Tribunal refers only that which is necessary to briefly explain its decision. The Tribunal provided an oral summary of the reasons for its decision at the conclusion of the Hearing.</p>



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Mr Robertson's submissions (brief summary)

At no stage was the offence or the factual matters referred to by Football West in their submissions disputed by Mr Robertson. He accepted in full the seriousness of his conduct. He conceded that his actions brought the game into disrepute. Mr Robertson also acknowledged that Football West has a duty to uphold public safety at its venues. He therefore made no attempt to dispute the 5 year ban on entry to the Sam Kerr Football Centre imposed on him by Football West.

The substance of Mr Robertson's submissions was that the penalty imposed by Football West prohibiting him from registering or competing in any Football West-sanctioned competitions until 2027 ("2 Year Ban") was excessive.

His reasons are summarised briefly below:

Provocation

Mr Robertson submitted that his conduct was provoked by the consistent abusive and sexist taunts directed at his girlfriend by the victims of the offence, being members of the Mandurah City Football Club ("Mandurah").

The Tribunal heard oral evidence from Mr Robertson's girlfriend. She testified that throughout the evening of the offence in question, she had been the subject of abusive and sexist remarks from a group of spectators supporting Mandurah. She testified that these remarks, which were at times delivered in the form of a chant, included derogatory comments about her appearance and sex. She told the Tribunal that she was extremely upset by the very public abuse. Further, given that the abuse was coming from a group of much older men, she felt threatened and unsafe.

Mr Robertson argued that he committed the offence against three perpetrators of the aforementioned verbal abuse in a misguided attempt to protect his girlfriend from the threat she felt to her dignity and physical safety. Mr Robertson conceded that the abuse did not justify his conduct, but was nonetheless a contributing factor to it.

Age

Mr Robertson submitted that due to his youth (18 years of age) he naturally lacked the proper judgement and temperament to deal with the confronting events of the evening in a mature manner.

This was exacerbated by the relative seniority of the Mandurah spectators involved in the abuse and the incident, who appeared to be middle-aged. The age disparity made the situation all the more confronting, further clouding proper judgement.

Furthermore, Mr Robertson argued that the 2 Year Ban would deprive him of his formative years as a footballer. He told the Tribunal that football is a fundamental part of his life. The 2 Year Ban had the potential to disproportionately alter the trajectory of his footballing career, and therefore his life.

Mr Robertson told the Tribunal that he has learnt a solemn lesson from his transgression, being that violent conduct was not, and will never be, the correct course of action in the circumstances he faced.



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Character

Mr Robertson argued that the 2 Year Ban was disproportionate given that he has no history of violence, on or off the pitch. The Tribunal received multiple character witnesses that indicated Mr Robertson was a young man of good standing who contributes positively to society. These character witnesses included teachers, coaches and club administrators. Football West informed the Tribunal that they have no record of violent conduct from Mr Robertson as a player.

Summary of reasons for the Tribunal's determination

As a preliminary matter, the Tribunal commends Mr Robertson and the Kingsley Westside Football Club for their cooperation with the Tribunal and Football West. Football West acknowledged that Mr Robertson and the club fully cooperated with requests made of them in a transparent and timely manner. By limiting his appeal to his grievance with the 2 Year Ban, Mr Robertson and the club demonstrated a respect for the resources of both Football West and the Tribunal. Such cooperation is integral to ensure that the Tribunal reaches a just, fair and timely decision.

We would also like to acknowledge the oral testimony of Mr Robertson's girlfriend, who we have not named out of respect for her privacy. The Tribunal fully accepts her account of her experiences of the night of the offence. It was clear that it was incredibly traumatising to relive the abuse she received, and the Tribunal extends its gratitude to her for the strength and resilience she demonstrated in sharing her account. The Tribunal would like to reiterate Football West's stance that any sexist or demeaning abuse is abhorrent and has no place in football or society more broadly. The Tribunal has been assured by Football West that the abusive conduct has been investigated and will be dealt with accordingly.

Provocation

The Tribunal was not convinced that the aforementioned abuse, while clearly traumatising, sufficiently provoked Mr Robertson's violent conduct as to warrant a reduced penalty.

Firstly, the abuse occurred over a sustained period of time. Furthermore, there was an intervening period between the abuse and the offence in which it is reasonable to conclude that any threat to Mr Robertson's girlfriend had deescalated. Moreover, Mr Robertson gave evidence that immediately prior to his violent conduct, one of the three men involved in the incident made a derogatory comment about Mr Robertson's weight. Given the intervening time that had elapsed and the personal insult Mr Robertson sustained immediately prior to his violent conduct, there is sufficient doubt as to whether Mr Robertson was provoked in misguided defence of his girlfriend or to comments about himself personally.

Secondly, assuming that Mr Robertson was provoked by the sexist verbal abuse perpetrated on his girlfriend, his violent conduct was nonetheless excessively disproportionate. Excusing violence under the pretence of standing up against sexism is self-serving and subsequently not in the best interests of women. This was evident in Mr Robertson's girlfriend's reaction to the offence. It is clear that she never asked nor wanted Mr Robertson to act violently.

As such the Tribunal did not consider provocation a sufficiently strong reason to reduce the penalty.



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Age and character

Mr Robertson's age and character were significant factors in the Tribunal's determination.

The Tribunal was convinced that Mr Robertson's violent conduct was inconsistent with his character and represented an isolated, albeit severe, instance of violent conduct. The Tribunal saw no reason to doubt the sincerity of his expressions of guilt and disappointment in himself. He had clearly reflected on his wrongdoing and lamented the impact of his conduct on the immediate victims, his club and his loved ones. The Tribunal was convinced that there is little likelihood of repeat offending. At no stage did Mr Robertson or the club try to excuse the conduct, excuses which may indicate a propensity to reoffend.

To avoid unnecessary repetition, the Tribunal generally accepted Mr Robertson's submissions regarding his age as outlined above. As is customary in Australia's judicial system when sentencing young offenders, courts generally view sentencing as a tool to reform the offender, rather than as a tool of public deterrence. While Football West has a duty to observe the public interest in having safe and secure public spaces, there is also a public interest in not excessively punishing our youth as to inhibit the opportunity for reform.

The Tribunal concluded that Mr Robertson demonstrated a genuine interest in reform and does not pose as a risk to public safety.

Penalty

The Tribunal may impose a penalty as it sees fit in its absolute discretion (Art. 18(10)), subject to considerations of reasonableness. The Tribunal is not bound by the Table of Offences in Schedule 1 to the Regulations, but any penalty imposed must conform to clause 21.5 of Football Australia's Constitution.

In view of the behaviour that gave rise to the charges against Mr Robertson, the Tribunal has sought to impose a penalty which is reasonable, appropriate and, importantly, designed to deter the reoccurrence of the offending behaviour.

For the reasons outlined above, the Tribunal decided to impose the Penalty (as defined above).

The Tribunal acknowledges the seriousness of Mr Robertson's conduct and the need to uphold the integrity, safety, and values of Football West competitions. At the same time, the Tribunal accepts the mitigating factors presented, including Mr Robertson's age, genuine remorse, lack of prior incidents, and the supportive evidence of good character.

In imposing the Penalty, the Tribunal has sought to balance the principles of accountability, deterrence, and rehabilitation. The active component of the ban — rendering Mr Robertson ineligible to register for or compete in any Football West-sanctioned match until the third competitive State League match of the 2026 season — reflects the seriousness of the offence. It ensures there are real consequences that reinforce the unacceptability of violent conduct.

However, in recognition of Mr Robertson's youth, sincere contrition, and the isolated nature of the incident, the Tribunal has determined to suspend the balance of the originally imposed two-year ban. The suspended portion of the penalty will only be activated if Mr Robertson breaches the Football West Code of Conduct, the Spectator Code of Conduct, or commits serious violent conduct during the probation period (being until the commencement of the 2027 season). This structure provides Mr Robertson with an opportunity to



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	demonstrate that the incident was out of character and that he is capable of learning from his mistake.
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Date of Notice	5 th June 2025
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Right to Appeal

The decision of the Disciplinary Tribunal may be appealed in accordance with Article 21 of the Disciplinary & Grievance Regulations 2022.