

## DISCIPLINARY COMMITTEE OF THE FOOTBALL FEDERATION OF AUSTRALIA

### DETERMINATION IN THE FOLLOWING MATTER:

<b>Player and club</b>	Christopher May Melbourne Knights
<b>Alleged offence</b>	Unsporting conduct toward a match official
<b>Date of alleged offence</b>	29.07.2014
<b>Occasion of alleged offence</b>	Match between Melbourne Knights and Olympic FC
<b>Date of Disciplinary Notice</b>	01.08.2014
<b>Basis the matter is before the Disciplinary Committee</b>	A referral: see clause 24.2(a)(iv) of the FFA Cup Regulations
<b>Date of Hearing</b>	Wednesday 6 August 2014
<b>Date of Determination</b>	Wednesday, 13 August 2014
<b>Disciplinary Committee Members</b>	John Marshall SC, Chair Anthony Lo Surdo SC Robert Wheatley

#### A. INTRODUCTION

1. This matter concerns an incident which occurred between Christopher May (**the player**) and a referee during a match in the FFA Cup between Melbourne Knights FC and Olympic FC on 29 July 2014.
2. The FFA Cup is in its inaugural season and this is the first time the Disciplinary Committee has dealt with a matter arising from it.
3. It is not, however, the first time the Disciplinary Committee has dealt with unsporting conduct towards a match official.

#### B. JURISDICTION

4. The FFA Cup is regulated by the "FFA Cup 2014 Competition Regulations" (**Competition Regulations**). By clause 1.3(a) FFA has jurisdiction over all matches in the FFA Cup. By clause 2(a), as the Competition Administration, the FFA has the power to impose sanctions on "FFA Cup Members" which includes players in the FFA Cup. Where sanctions are to be imposed the person to be sanctioned is to be given the opportunity to be heard and make submissions (clause 2(b)(iii)) which necessarily involves a hearing before one of the FFA Judicial Bodies. In this case that is the Disciplinary Committee for the reason that disciplinary notices are to be referred to the committee by reason of clause 24.2(a)(iv). The Disciplinary Committee referred to in the Competition Regulations is this committee with the powers and functions conferred by the FFA Statutes and, in particular, article 25. The FFA Statutes are expressly incorporated by clause 2(c).

5. In this matter there has been a referral to the Disciplinary Committee under clause 24.2(a)(iv) of the Competition Regulations by virtue of the Disciplinary Notice issued to the player (see paragraph 6 of the Disciplinary Notice).

### **C. THE HEARING**

6. On the evening of Wednesday 6 August 2014 the Committee heard the referral of the above matter. At the conclusion of the hearing the Committee indicated it would reserve. This is the written decision of the Committee.
7. At the hearing Disciplinary Counsel was David McClure. The player and a club representative participated in the hearing by telephone and video link.

### **D. THE FACTS**

#### (1) Undisputed facts

8. The player disputes aspects of the events. However, this much is not in dispute:
  - (1) At the end of the match the player picked up the ball and threw it.
  - (2) The ball struck the referee.
  - (3) The ball bounced twice after striking the referee.
  - (4) The player kicked at the ball.
  - (5) The ball then passed near the head of the referee who moved his head in what appears to be an instinctive reaction to avoid the ball colliding with his face.
  - (6) The player put both hands in the chest area of the referee.
  - (7) The referee showed the player a red card.
  - (8) The player did not then immediately leave the ground.
  - (9) The player on two occasions in the next few seconds moved towards the referee with his right arm extended.
  - (10) The referee held up his hand and walked backwards. The appearance of the referee whilst doing this was that he walked backwards so as to be away from the player and that his hand was held up to indicate to the player to stop approaching.
  - (11) On two occasions later on, the player attempted to enter into the referees' room.

#### (2) The player's version

9. The player provided a statement before the hearing which sought to place an innocent interpretation on the events which included asserting:
  - (1) The player did not deliberately throw the match ball at the referee.
  - (2) The player picked up the match ball after the final whistle to return the match ball to the referee. The player says he bounced the ball on the ground toward the referee as the player was under the assumption that the referee takes the ball off the pitch every game.

- (3) When the player approached the referee, it was to apologise for hitting the referee on the leg with the match ball. The player says that he placed his hands on the referee's chest and said 'sorry for hitting you with the ball'.
  - (4) The player says that he went to shake the referee's hand only to find the referee pulling out a red card out for him.
10. At the hearing the player made a few further minor concessions but was in substantial denial of what was apparent. The Committee rejects his explanations some of which were fanciful. At one point the player asserted that the referee put his hand on the player first and after the red card "then I got irate". However at other points in the hearing, the player did not accept that he was angry and that at all times he was attempting to apologise and give his explanation.
11. The player's version of events contradicts what is apparent from the video footage, the report of the referee, the two reports of each of the assistant referees, the fourth official and the report of the gentlemen who we assume was coordinating and assisting matters.

(3) [Reports of the match officials](#)

12. There were five relevant match officials. They all provided written reports. They are consistent but not identical.

- (1) Alex King who was the match referee provided a report which stated:

At the end of the game I blew my whistle for full time and as I have done this I felt the ball hit me in the thigh. I turned my head and saw Christopher May number 1 from Melbourne Knights has run towards me and pushed me with two hands at my chest and said *you ruined this fucking game*. After this I showed Christopher a straight red card for violent conduct. My assistant Andrew Lindsay said that Christopher May threw that ball at me deliberately before hand but I did not see this as I had my head turned. Christopher May tried twice to enter our referees room twice after the match but he was refused by David Weibe who was assisting us throughout the night.

- (2) Anton Shchetinin who was an assistant referee 1 provided a report which stated:

After Full time whistle, GK from Melbourne Knights (C.May) pick up the match ball on a way and deliberately throw at Referee (A.King) from approximately 10m away. Ball strikes Alex in lower body. GK has then run towards Referee and pushed Alex in the chest with two hands. Referee then showed Red Card and send him from field of play for Violent Conduct.

- (3) Andrew Lindsay who was an assistant referee 2 provided a report which stated:

At the conclusion of the match, the Melbourne Knights goalkeeper #1 Christopher May approached the referee Alex King, picking up the match ball on his way. As Mr May approached Mr King (and was approx. 10m away) he made a deliberate action to throw the ball at Mr King, striking him in the lower half of the body. Mr King was not looking at Mr May at the time and did not see the action of having the ball thrown at him however I (as assistant referee 2) had run onto the field to meet Mr King and had a clear view of the throw. Mr May then continued approaching Mr King, pushed him in the chest with two hands and told him, "you ruined the fucking game". Mr King then showed Mr May the red card and sent him from the field of play for violent conduct. After the match, Mr May tried on two separate occasions to enter the referees room to discuss the incident with Mr King

and had to be denied entry by David Wiebe (from Football Queensland) who was assisting the referees on the night.

- (4) Ashley Stout who was the fourth official provided a report which stated:

At the end of the match after referee Mr Alex King has blown for full time I have grabbed the spare match ball located at my feet and started to head towards him in the middle of the field. Whilst walking towards Mr King I have seen the Melbourne Knights goalkeeper Mr Christopher May throw the match ball at Mr King with an over arm throw. The ball has struck Mr King in the thigh. Mr May has then run towards Mr King and I have seen Mr May physically push Mr King with two hands in the chest. Mr King has then produced the red card and sent Mr May from the field of play for violent conduct. After the match Mr May tried to enter the referee room on two separate occasions trying to talk to Mr King. Both times Mr May was denied entry by Mr David Wiebe (Football Queensland) who was assisting the referees on match day.

- (5) David Weibe (Football Queensland) who was assisting the referees on match day:

In regards to the incident after the match involving the Keeper of Melbourne Knights ... I witnessed the whole incident as I was standing just inside the field of play waiting for the referee so that I could escort them back to the sheds.

I was in the sheds grabbing the paper work so that I could finalise my duties for the night. As I walked out I was met just outside the referees room by the goal keeper Mr May and another Melbourne Knights Official whose name I am unaware of. ...

I allowed Mr May to finish his story and then explained to him that from my angle it certainly looked like he pushed the referee after he deliberately threw the ball at him. And that the push was enough to unbalance the referee. I then said to him that under no circumstances are you to touch a referee in any way shape or form as it is totally unacceptable.

Again Mr May said to me that he was trying to apologise for throwing the ball at the referee and he would like the chance to explain that to the referee. Again I declined ...

13. From the reports, which we accept, the following relevant facts appear:

- (1) The player deliberately threw the ball at the referee.
- (2) The player pushed the referee in the chest with two hands.
- (3) The player verbally abused the referee saying, "you ruined the fucking game".

14. When asked during the hearing, the player gave evidence that his team lost 3-1, that the referee had not given a penalty which a lot of people would say should have been given and that (when the score was 2-1) one of his team mates was given two yellow cards such that his team finished with 10 men.

(4) Video Footage

15. We have had the benefit of seeing the on-field incident from video footage taken on the day. The footage unfortunately is not focused on the incident at the outset, however one can see the incident in the extreme right hand side of the frame. After a period the footage focuses on the incident in centre frame. The following can be seen:

- (1) The ball strikes the referee on the right part of his body then bounces twice.

- (2) The player then comes into view and kicks the ball with his right foot at the referee's head. The referee has to move his head to avoid the ball hitting him in the head.
- (3) The ball lands behind referee.
- (4) The player then steps towards and pushes the referee in the chest with both his hands. This causes the referee to stumble or step backwards.
- (5) The referee then reaches back into his pocket to pull out the red card and shows the player the red card.

16. Picture 1 at '0.01' shows the referee on the right hand side of the screen facing the crowd.

Picture 1:



17. Picture 2 at '0.02' shows the ball hitting the referee on the right hand side of his body. The referee's face is still toward the crowd, not the direction the ball came from.

Picture 2



18. The footage does not show the player throw the ball. The player claimed he bounced the ball to the referee because he wanted the referee to have the ball at the end of the match. We do not accept the player's contention. Four of the five match officials say they saw the player deliberately throw the ball at the referee.

The referee was unsighted, so all four match officials who witnessed the throw say it was deliberate. That fact, together with the subsequent conduct of the player, the refusal of the player to accept what was obvious from later points of the video footage, his general tone during giving evidence and the way he answered the questions, is why we conclude that his version is false and was designed to cover up the truth of what he had done.

19. Returning to the footage, after the ball bounced a second time, the player kicked the ball. Picture 3 at '0.03' shows the player's boot kicking the ball, which goes on to narrowly miss the referee's head. The video shows the referee flinch and move his head. That has not been captured in the still extracted as picture 3.

Picture 3



20. Picture 4 at '0.04' shows the player approach the referee.

Picture 4:



21. Picture 5 at '0.06' shows the player placing his hands on the referee's chest. The video footage only shows the player's left hand raised. Due to the angle of the footage the player's right hand is blocked. It is clear enough however that the player placed both hands on the referee's chest. The player does not dispute that both hands were placed on the referee. His version was that this was his way of apologising for accidentally having caused the ball to hit the referee; ie placing both hands on the chest of the referee is said by the player to be his way of communicating an apology. We find this implausible and given we find the ball was deliberately thrown at the referee, the more obvious conclusion is that he was annoyed with the referee and in the process of verbally and physically assaulting the referee.

Picture 5:



22. Picture 6 at '0.09' is just after the referee initially showed the player a red card. Picture 6 shows the referee walking backwards, still holding the red card but moving backwards as the player had started to approach the referee.

Picture 6:



23. The player continued to try to approach the referee until the '0.36' mark before the referees walk off the field together.

24. At '0.13' picture 7 shows the right hand of the player extended towards the referee.

Picture 7:



25. Then 15 seconds later, that player again moved close to the referee and at '0.28' picture 8 shows the player behind player in black #5 (also from Melbourne Knights). The player's right hand can be seen again extended towards the referee.

Picture 8:





26. One second later at '0.29' in picture 9 the referee, plainly concerned at the further approach of the player, backs away from the player and has put some two metres of separation between him and the player and held up his hand palm out to indicate that he wants the player to cease approaching him.

Picture 9:



(5) Summary of facts we find

27. The conclusions we make as to the facts can be summarised as follows:
- (1) At the end of the match the player picked up the ball and deliberately threw it at the referee.
  - (2) The ball struck the referee, the intended target.
  - (3) The ball bounced twice after striking the referee.
  - (4) The player kicked at the ball at the referee and in fact towards his head.
  - (5) The ball then passed near the head of the referee who moved his head in what appears to be an instinctive reaction to avoid the ball colliding with his face.
  - (6) The player put both hands in the chest area of the referee. This was not to apologise but rather the contrary, to intimidate and deliberately push the referee.
  - (7) The player verbally abused the referee saying words "you ruined this fucking game".
  - (8) The referee showed the player a red card.
  - (9) The player did not then immediately leave the ground.
  - (10) The player on two occasions in the next few seconds moved towards the referee with his right arm extended. The player did this because he was "irate" (his own word) and on two further occasions put his hand on or in the vicinity of the referee. The footage makes it clear that there was contact on at least one of the two occasions.

- (11) The referee held up his hand and walked backwards. The appearance of the referee whilst doing this was that he walked backwards so as to be away from the player and that his hand was held up to indicate to the player to stop approaching.
28. We reject the version of events asserted by the player. We find the offence the subject of the disciplinary notice established. The conduct of the player was, at least, "unsporting conduct towards a match official".
29. During the course of the hearing, the player was asked to comment on several matters which appeared to the committee to be shown in the video footage. Before the question had concluded the player interrupted. The player was asked to consider the reality of the video, watch it again and then answer the questions. The player then did watch the video but despite that reasonably clear suggestion, the player continued to give evidence which contradicted what was apparent from the video.
30. Unless it be thought we had not taken these matters into account, we have taken into account the statement of the player and his evidence on the night. The player contended that he would happily write an apology to the referee. That needs to be put in context. The player did not accept he had done anything wrong and the apology would presumably be limited to accidentally causing the ball to come in contact with the referee. In any event no apology had been written before the hearing. In response to one question from a member of the committee, when pressed as to why he had touched the referee he said something to the effect of "*I apologise for touching him but it was an honest mistake*". The whole course of conduct of the player from when he deliberately threw the ball at the referee to when he, once irate, continued to pursue the referee belies that there was an honest mistake.
31. The player in his written statement said "*the fact that the assistants, who aren't even near the ref and have identical reports, have heard me swear, is a blatant lie, and I can back this up by the fact that I have never swore in my life. I'm from a family that would never allow it and I have maintained that ever since. You can ask anybody who knows me. I have never used foul language. And I am happy to get the proof of that.*"
32. No corroborating evidence was put forward although the club representative who was representing him on the night did say he had not personally heard the player swear. During the course of his evidence the player said this: "*For God's sake, I'm not an idiot*" and later "*What the hell is going on*". The player was in a position to call evidence from at least one team mate who was proximate to the referee and in a position to have heard what went on. That player was not called. The player's written statement says "*I have various witnesses of my own that can vouch for me, including Brisbane Olympic players*". None of those people were called to give evidence and no people provided written statements on behalf of the player. Further, had the player wanted to call character evidence from other players, coaches etc he was in a position to do so but did not.

#### **E. CONSIDERATION OF APPROPRIATE SANCTION**

33. This is the fourth occasion that this Committee has had to deal with intentional contact by a player with a referee. The first was the decision involving Daniel

Vukovic in 2008. The most recent involved Tiago Calvano in November 2013. We do not propose to refer in detail to those decisions. They are available on the FFA website and copies were provided by the FFA to the player prior to the hearing. The Committee views this as more serious than any of the matters apart from Vukovic. The findings we have made are significantly more serious than the findings we made in relation to Tiago Calvano.

34. In this case the player made no immediate apology. The contact was not one isolated matter. A ball was thrown, the ball was then kicked, two hands were placed on the referee which caused him to stumble or step backwards. The referee was verbally abused. After being shown with the red card the player did not immediately leave the field but continued to remonstrate with the referee both verbally and physically.
35. Unlike the three previous matters, the player in this case showed no contrition, indeed, he did not recognise that he had committed an offence. As the Committee's decision in Vukovic records, the conduct of Vukovic immediately after the incident and from then right through to the hearing involved complete and utter recognition of his wrongdoing and remorse. The Committee on that occasion was impressed by the evidence of Mr Vukovic and the candour in which he gave it.
36. In relation to Tiago Calvano, the decision of the committee in paragraph 53 records these matters:
- 53 ... His evidence made clear that he appreciated that there was no excuse for what he had done. All players know that they are not allowed to make contact with a referee. He even gave evidence that his 6 year old daughter said she knew that and he told the Committee that he had told her that he did too and was very disappointed for what he had done. ... In giving evidence there was an outpouring of emotion which demonstrated his contrition. But for that evidence, an even more lengthy suspension might have been appropriate.
37. By way of contrast the player maintained a denial of any wrongdoing and showed no contrition.
38. The minimum sanction is a total of four matches. The maximum sanction is as contained in paragraph 4 on page 57 of Competition Regulations:
- The maximum sanction that may be applied for each Offence is suspension for a period of 24 months, except for Offence No. 11 (Assault of a match official) where the maximum sanction is suspension for life.
39. Accordingly, the maximum sanction is 24 months. Some guidance may perhaps be taken from the fact that the *minimum* sanction for assault on a match official is six months.
40. In our view the appropriate sanction in this case is a suspension for a period of 6 months from the date of the match.

## **F. RESULT**

### **(1) Offence**

41. The offence is established.

(2) [Sanction to be imposed](#)

42. The sanction we impose is a suspension of 6 months from the date of the match and this includes the Mandatory Match Suspension.

*John Marshall*

J E Marshall SC, Disciplinary Committee Chair  
Wednesday, 13 August 2014