

DISCIPLINARY COMMITTEE, FOOTBALL FEDERATION AUSTRALIA

DETERMINATION IN THE FOLLOWING

Player and Club	Pedj Bojic, Central Coast Mariners FC
Alleged Offence	Red Card Offence, R2 - Assault on a Player
Date of Alleged Offence	26 December 2010
Occasion of Alleged Offence	Match between Central Coast Mariners FC and Adelaide United FC
Date of Notification of Sanction	29 December 2010
Basis the matter is before the Disciplinary Committee	Application for Determination pursuant to clause 11.3, A-League Disciplinary Regulations
Date and place of Hearing	Sydney, 6 January 2011
Date and place where Determination made	Sydney, 6 January 2011
Disciplinary Committee Members	Shaun McCarthy, Acting Chair, Rob Wheatley and Peter Mulligan

A. INTRODUCTION

There was an incident in the eighth minute of play in the match between Central Coast Mariners FC ("*Club*") and Adelaide United FC played at Blue Tongue Stadium on 26 December 2010.

In short, the incident involved Pedj Bojic ("*the player*") striking an opposing player, Joe Keenan ("*Keenan*") while the two players were on the turf. After the game, the incident was reviewed by the Match Review Panel (MRP) who determined that the player had committed a red card offence under "*Annexure A-6 Table of Offences*" of the A-League Disciplinary Regulations. The MRP determined that the offence constituted an "*Assault on a Player (e.g. violent conduct when not challenging for the ball)*".

The referee did not see the incident. As the MRP deemed the incident to be a red card offence there was a mandatory one match suspension imposed on the player. In addition, the MRP imposed an additional one match sanction.

The player elected to challenge the additional one match sanction imposed by the MRP before the Disciplinary Committee. In doing so, it was necessary for the player to demonstrate "*exceptional circumstances*" pursuant to clause 11.3, A-League Disciplinary Regulations.

B. THE HEARING

The hearing took place on 6 January 2011. Mr Jason Downing appeared in the interests of the FFA. The player appeared by telephone represented by the Club's CEO, John McKay.

The Committee viewed seven different angles of the incident provided by FoxTel. It is reasonable to observe that the incident looked more serious from some angles than from other angles.

Essentially, what can be seen is that the player and Keenan challenged for a long ball by going up for a header. The player clearly won the ball. As both players were falling to the ground, Keenan locked an arm around the player's arm and the two players fell to the ground with Keenan's arm remaining in the locked position. The two players were on the turf for a second or two, during which time Adelaide took possession of the ball and ran down the left flank into the open space created by the absence of the player who was still on the ground. The ball was crossed into the centre where an Adelaide player almost scored with his head. These matters are only relevant to point out that during the entirety of the time that the player was on the ground, his eyes followed the ball and he was not looking at Keenan.

While the player was on the ground he was held down by Keenan with his arm in the locked position. The player appeared to make an effort to extricate himself from the hold. Failing that, he swung an arm backwards which struck Keenan in the head. It was not clear whether contact was made with the elbow or forearm but it is clear that Keenan suffered no ill effect from the incident. Keenan got up and continued playing. The impact was minimal.

Mr Downing submitted that the situation in which the player found himself was not exceptional. He submitted that it was a common thing for players to find themselves in a situation where they are being restrained by another player. He submitted that it was inappropriate for the player to have lashed out in the manner demonstrated on the video.

Mr McKay provided the Committee with written submissions dated 30 December 2010 which went to the issue of "*exceptional circumstances*". The Committee is grateful for the submissions which it found to be helpful. During the hearing, it was pointed out to Mr McKay, and he accepted, that some of the matters propounded by him could not be relied upon because they fell outside the definition of "*exceptional circumstances*" as contained within clause 27.1 of the A-League Disciplinary Regulations.

It is not necessary to go through all the different arguments and to put in writing which ones were appropriate and which ones were not. It is artificial to consider each of the circumstances in isolation. The Committee considered the totality of all relevant circumstances taken together.

After taking into account the matters presented at the hearing, the submissions of the Club, the submissions of the FFA and after hearing from the player himself the Committee adjourned to consider its decision.

C. DETERMINATION

Although it did not form part of the Committee's deliberations, the Committee noted the contrition of the player who candidly agreed that there had been a degree of recklessness in the use of his arm in freeing himself from the locked position. The player informed the Committee that if he found himself in the same position again, he had devised an alternative way to deal with the situation which did not include the use of the arm. The Committee accepts that the player is contrite and has learned a lesson. It is noted that at the time of the hearing the player had already served a one match suspension.

The Committee determines that the player has made out exceptional circumstances. The Committee respectfully disagrees with Mr Downing that a situation where a player is restrained on the ground, particularly in circumstances where his team is in peril of conceding a goal because such restraint has placed him out of position, is a common thing to see on a football field. The circumstances in which the player found himself is to be distinguished from other such circumstances, for instance where players are held back when on their feet when competing for a corner. Here the player was pulled to the ground and held down. In our opinion, had the referee seen the incident, it is likely that there would have been a clear free kick in favour of the Club. The player was frustrated and no doubt desperate to prevent a goal. It was unfair on the player that he was being held out of his defensive position by Keenan. We do not say this to criticise Keenan but it is relevant to our determination of the player's actions.

We accept that the action of the player in using his arm was an action in aid of freeing himself from the hold he was under, rather than an action designed to inflict harm on Keenan. Further, we accept that the player was in no position to see the direction of the path of travel of his arm once it was moved because he was looking at the ball.

We therefore find that, taking into account all relevant circumstances operating at the time of the offence and relating to the commission of the offence, exceptional circumstances applied. Among other things, the player was being deliberately held down on the turf by Keenan in a difficult position from which to extricate himself. There was no apparent intention by the player to cause harm. The player appeared to be merely trying to free himself from the lock applied to his arm by Keenan in the very unusual situation in which the player found himself.

Given the exceptional circumstances which applied, the second week of the player's suspension is to be quashed. This was indicated to the player verbally on the evening of the hearing.

D. RESULT

The Committee unanimously determines that:

- (a) The player is suspended for one match following the date of the offence.
- (b) The second week of the suspension is quashed owing to the determination of the Committee that the player has demonstrated exceptional circumstances pursuant to clause 11.3 and as defined by clause 27.1 of the A-League Disciplinary Regulations.

Shaun McCarthy
Acting Chair, Disciplinary Committee
Wednesday, 19 January 2011