

DISCIPLINARY COMMITTEE OF THE FOOTBALL FEDERATION OF AUSTRALIA

DETERMINATION IN THE FOLLOWING MATTER:

Player and club	Sebastian Ryall, Sydney FC
Alleged offence	Simulation
Date of alleged offence	14 February 2015
Occasion of alleged offence	Match between Sydney FC and Melbourne Victory
Date of Disciplinary Notice	16 February 2015
Basis the matter is before the Disciplinary Committee	A referral: see clause 3.3(a) and 9.38(c)
Date of Hearing	Wednesday 18 February 2015
Date of Determination	Thursday, 19 February 2015
Disciplinary Committee Members	John Marshall SC, Chair Dominic Longo Peter Mulligan

A. INTRODUCTION AND JURISDICTION

1. The Committee has jurisdiction under clause 4.4 of the "FFA A-League Disciplinary Regulations" applicable to the 2014-2015 A-League season (**the Disciplinary Regulations**) to determine matters which have been referred to it pursuant to the Disciplinary Regulations. When a matter is duly referred, clause 3.3(a) provides that the Committee must determine the matter and impose such sanctions as are authorised and appropriate to the determination.
2. In this matter there has been a referral under clause 9.38(c) of the Disciplinary Regulations as it involves a Simulation being alleged. In this situation the function of the Committee is to determine the matters in clause 9.37(a)-(c) ie whether:
 - (a) the Participant is guilty of *Simulation*;
 - (b) the Referee has made an Obvious Error in failing to detect the *Simulation*; and
 - (c) the *Simulation* committed by the Participant, resulted in:
 - (i) a penalty kick being awarded to the Participant's team, such decision to award a penalty kick being one that no Referee in the possession of all the facts, including the Broadcast Footage, could reasonably have made; or
 - (ii) a Red Card being issued to a Player and such Red Card is one determined by the Match Review Panel, on application from the Player in accordance with clause 9.3, to be expunged in accordance with clause 9.7.

3. Simulation is defined to mean "*an act or attempt by a Participant to deceive the Referee by feigning injury or pretending to have been fouled*".
4. Under the Laws of the Game, Law 12 treats simulation as "*unsporting behaviour*" which would result in a caution and a yellow card being shown. That part of Laws of the Game which provides interpretation explains that the circumstances which amount to "*unsporting behaviour*" includes where a player "*attempts to deceive the referee by feigning injury or pretending to have been fouled (simulation)*".
5. The combined effect of the Laws of the Game and the Regulations is that where a referee identifies simulation during a game, it is not rewarded but rather a yellow card is shown to the offender. Where a referee fails to detect the simulation and the simulation achieves a significant alteration in the game either by a penalty being awarded or an opposing player being issued with a red card then the on-field success of the simulation is dealt with more severely by the Regulations in that the sanction is a two match suspension.
6. As to whether there has been Simulation, the Committee will proceed on the basis that the standard of proof is on the balance of probabilities having regard to observations in cases such as *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 67 ALJR 170 and *Briginshaw* (1938) 60 CLR 336.

B. THE HEARING

7. On the evening of Wednesday 18 February 2015 the Committee heard the referral of the above matter. At the conclusion of the hearing (following deliberations and pursuant to clause 20.4 of the Disciplinary Regulations) the Committee verbally announced the result of the hearing. At the time of announcing the result of the hearing, the Committee noted that with additional footage made available by Fox Sports, the quality of which had not been available to the Match Review Panel (**MRP**), it was possible to ascertain that there had been contact sufficient to cause the player to go to ground and that in appealing to the referee to make a ruling the player did not intend to deceive the referee. These are the written reasons of the Committee in the "*shortest form reasonably practicable*" (see clause 20.3(c)).
8. At the hearing Disciplinary Counsel was Ivan Griscti and the player, Sebastian Ryall (**Ryall**) was represented by Peter Paradise.

C. FACTS

9. In around the 70th minute of the game, Ryall of Sydney FC went to ground in close proximity to the defender, Gui Finkler of Melbourne Victory and a penalty was awarded to Sydney FC.
10. The MRP reviewed the incident and referred the matter to this Committee on the basis that Ryall had a case to answer of Simulation.
11. Ryall did not claim he was injured in any way and hence "*feigning injury*" is not applicable. Ryall did appeal to the referee. Hence for Simulation to be found, the Committee would have to be satisfied that in making the appeal Ryall was "*pretending to have been fouled*".
12. We have had the benefit of seeing the incident from several different angles of footage from Fox Sports. What follows is an extract of several frames which have been numbered in the sequence in which the events occurred. The frames are not

consecutive but are sequential in the sense that other frames may have intervened between the frames.

- (1) Frame 1. This shows Ryall's left foot coming in contact with the defender's left ankle.



- (2) Frame 2. This frame further confirms that Ryall's left foot came in contact with the defender's left ankle. It also indicates that Ryall's left leg was to the left of the defender's left leg and that Ryall's left knee may have come into contact with some part of the defender's left leg.



The second photo is an enlargement showing Ryall's left foot coming into contact with the left ankle of the defender.

- (3) Frame 3. This frame shows the point between Ryall being stable and Ryall beginning to go to ground.



- (4) Frame 4. This frame shows Ryall immediately before he starts to go to ground.



- (5) Frame 5. This frame shows Ryall's left foot does not have proper traction on the grass.



- (6) Frame 6. This frame taken in isolation might show that Ryall was able to keep running but needs to be considered in the context of the whole of the footage.



- (7) Frame 7. This frame shows Ryall going to ground immediately before his hands hit the ground.



- (8) Frame 8. This frame shows Ryall on the ground. At this point Ryall is unable to act on the pass intended for him.



- (9) Frames 9. These two frames show Ryall stretching his arms out appealing to the referee. The referee awarded a penalty.



- (10) Frame 10. This frame shows Ryall cuffing the defender on the back of the head.



13. The surrounding footage shows Ryall smiling or appearing smug. One interpretation is that Ryall believed he had got away with something. Ryall's

explanation was that he believed he had a chance to score a goal and that at that time he was rightly awarded a penalty. He said he was angry with the defender.

14. The conduct in the last frame of cuffing the defender on the back of the head is appalling behaviour. On one view it is a matter that should be sanctioned. However there is no charge before the Committee in relation to that conduct. It was clearly inflammatory. It is highly inappropriate. The Committee takes the opportunity to observe that this conduct is not appropriate in football and ought to be stamped out by referees applying appropriate sanctions during the course of the game.

D. SUBMISSIONS

15. The matters submitted by Disciplinary Counsel included:
- (1) Ryall pretended to be fouled.
 - (2) Ryall could not have believed he had been fouled.
 - (3) When Ryall appealed to the referee, his action conveyed a claim that he had been fouled in circumstances when he could not have positively believed he was fouled.
 - (4) It is sufficient to establish a Simulation if it is proved that Ryall did not positively believe he was fouled. There would still be Simulation even if Ryall only thought he might have been fouled (as opposed to being sure he was fouled).
 - (5) The elements in (b) and (c) (set out in paragraph 2 above) were established.
16. The matters submitted on behalf of the player included:
- (1) There was contact.
 - (2) The contact was initiated accidentally by Ryall.
 - (3) The contact was sufficient to cause Ryall to go to ground. He did not dive.
 - (4) The footage shows that Ryall was not looking down and did not see the point of contact. Ryall was looking towards where he expected the ball to be passed. Ryall was not able to detect that the defender was innocent of causing the contact.
 - (5) With the benefit of viewing the footage, it can be accepted there was not in fact a foul. Nevertheless, at the time Ryall believed there was a foul.
 - (6) From Ryall's perspective, he knew he did not dive, he wanted to receive the return pass, he was on the ground, he did not want to be on the ground, he knew there was contact and although he did not see exactly what the defender did, he believed the contact must have been a foul.
 - (7) Ryall now accepts after seeing the footage that he was wrong in thinking that there was a foul; however at the time he believed he had been fouled. The fact that Ryall now accepted that he had been wrong was some evidence that he was being truthful.¹

¹ On this point, the Committee observed during the hearing that had Ryall claimed after seeing the footage that he still believed there was a foul, the Committee would not have believed anything else he said.

- (8) Element (b) was independent of element (a) and in any event, the referee awarded the penalty before seeing Ryall appeal.

E. CONSIDERATION AND FINDINGS

(1) Simulation as defined is the issue

17. The real issue is whether there has been Simulation as defined. If there was Simulation, the matters in clause 9.37(b) (error by the Referee) and clause 9.37(c)(i) (penalty being awarded) are likely to be made out. Therefore the most important question is whether Ryall pretended to have been fouled. By appealing was Ryall claiming that he was fouled or was he merely demanding the referee rule in circumstances where he thought he probably was fouled? Did Ryall really believe he had not been fouled?

(2) There was contact but it was not a foul

18. Of course if Ryall was actually fouled, his conduct, at worst, could be described as calling to attention the fact that he had been fouled. That would not amount to Simulation.
19. Therefore it is first necessary to determine whether there was a foul. If there was no foul, it is next necessary to determine whether Ryall was aware there was no foul and knowing there was no foul pretended that he had been fouled.
20. In a situation where there is no contact there would be no foul. Similarly, if there was no contact, a player claiming a foul could hardly believe that there had been a foul and Simulation usually would be established.
21. For this reason it is first necessary to consider whether there was contact.
22. The Committee is satisfied that there was contact. There is sufficient material in the footage for the Committee to make a positive finding that there was contact. Further it appears that the contact was sufficient to cause Ryall to go to ground.² In this respect, the additional footage and the close attention that occurred during the hearing enabled the Committee to ascertain that there was in fact contact. This was a matter that the MRP had not been able to ascertain as they did not have the additional footage. Indeed the live commentary accompanying the footage (reasonably in the circumstances) indicated that the commentators were of the view there had not been contact. As there has been much scrutiny in the media of this incident, we think it appropriate to point out that the contact is not apparent from the first or even second viewing of the footage. For those who thought there was no contact it would have been reasonable to query whether

² It should be recalled that in the 2012 A-League final Besart Berisha was awarded a late penalty in circumstances where to many it appeared there was no contact or even if there was contact it was not sufficient to cause him to air-swing and go to ground. The Fox Sports commentary team was able to establish by close examination of the footage that there was contact and that the contact was sufficient to cause Berisha to go to ground. The best explanation came from Andy Harper in the second of the two videos in the link below:

<http://www.foxsports.com.au/football/a-league/besart-berishas-penalty-sparks-furious-debate-was-it-a-penalty-or-were-perth-glory-robbed/story-e6frf4gl-1226336223619>

The Berisha penalty is a good example of where minimal contact at the level of the ankle, in certain motions, is sufficient to have a significant effect on stability.

Ryall had dived. The conclusion the Committee has reached should not be considered in any way a criticism of those who formed an opposite view on the more limited material available to them.

23. On the basis that there was contact it is theoretically possible that the contact could amount to a foul. That is not the case in this situation. Fouls are dealt with in Law 12 of the Laws of the Game. None of the actions of the defender could constitute a foul. At the hearing Ryall accepted there was not a foul but says that he did not know that at the time.

(3) *Ryall's belief at the time*

24. For the Committee to find that Ryall pretended to have been fouled it would be necessary to find that Ryall believed there was no foul but claimed there was one. That finding would be made if the Committee came to the view that Ryall's conduct was premeditated in that he planned to initiate contact, go to ground and appeal for a penalty. It is certainly not unheard of for a player to go to ground and appeal for a penalty where there has been no foul and even to do so when there has been no contact. It is not inconceivable that a player would initiate some contact so as to avoid a later charge of Simulation and also to make the subsequent dive seem more plausible to the referee and therefore more likely to result in a penalty. However, in this case the Committee finds that Ryall did not deliberately initiate the contact so as to go to ground for a penalty. Ryall had made the pass and realised that there was a return pass coming. He changed direction to run behind the defender so as to receive the return pass. Had he not gone to ground, he would have been in a good position to receive the pass and be in a possible scoring situation. His eyes were looking to where the pass might go. Ryall was adamant in his evidence that he was hoping to receive the return pass.
25. A finding that Ryall pretended to have been fouled also could be made even if Ryall's conduct was not premeditated (planned). *If* once Ryall went to ground, realising that there was no foul (because he had tripped on the back of the defender's legs through no fault of the defender) he nevertheless decided to appeal for a penalty, then that would also be a situation where the Committee could find Simulation on the basis he pretended that the reason he went to ground was that he had been fouled.
26. Ryall was pressed on this by experienced Disciplinary Counsel during cross-examination. Ryall maintained that he thought he had been fouled but now realises he was wrong. He insisted that at the time he did not know that the conduct of the defender was innocent. He thought that the defender may well have trailed a leg which is what caused him to trip. He did not see what caused him to trip but he knew he did not dive and therefore believed he must have been fouled.
27. The high point of the cross-examination (meaning the point most adverse to Ryall) was along these lines:

DC: You didn't see Finkler do anything that would suggest to you at the time that he committed a foul?

SR: I didn't see why I was tripped. He may have trailed a leg, I don't know. At the time, I thought he may have.

DC: So your state of mind, at the time of contact, was that you didn't know what Finkler had done, but it *may* have been a foul?

SR: Yes.

28. Even in that passage Ryall did not accept that he believed there was no foul.
29. One matter potentially against Ryall is the conduct of cuffing the defender on the back of the head coupled with the facial expression of Ryall immediately before, during and after cuffing the defender. His explanation is recorded above.
30. The Committee is not prepared to conclude that Ryall believed there was no foul and appealed anyway. The high point of the cross-examination must be considered against all of Ryall's evidence. The overall finding of the Committee is that Ryall believed he probably had been fouled. In circumstances where there was contact sufficient to cause Ryall to go to ground, his subsequent action in appealing to the referee for a decision is not sufficient for the Committee to conclude in this case that there was Simulation.
31. The Committee is not satisfied that Ryall intended to deceive. That finding has been made notwithstanding his appalling behaviour in cuffing the defender on the back of the head.

F. RESULT

(1) Offence

32. The Committee is not satisfied that the element set out in clause 9.37(a) was established. Consequently, there is no need to make a finding in respect of clauses 9.37(b) or 9.37(c).

(2) Sanction to be imposed

33. Had the elements been made out, the sanction which would have been imposed is two matches, being the mandatory sanction under clause 9.39(b). In this situation, there is no sanction.

John Marshall

J E Marshall SC, Disciplinary Committee Chair
Thursday, 19 February 2015