

## DISCIPLINARY COMMITTEE OF THE FOOTBALL FEDERATION OF AUSTRALIA

### DETERMINATION IN THE FOLLOWING MATTER:

<b>Player and club</b>	Steve Pantelidis, Gold Coast United FC
<b>Alleged offence</b>	Item R2 of clause 6.2 of the Disciplinary Regulations (violent conduct)
<b>Date of alleged offence</b>	29 January 2010
<b>Occasion of alleged offence</b>	Match between Melbourne Victory FC and Gold Coast United FC
<b>Date of Disciplinary Notice</b>	1 February 2010
<b>Basis the matter is before the Disciplinary Committee</b>	A referral: see clause 3.3(a) and 10.2(b)
<b>Date of Hearing</b>	Wednesday 3 February 2010
<b>Date of Determination</b>	Wednesday 3 February 2010
<b>Disciplinary Committee Members</b>	John Marshall SC, Chair Milan Blagojevic Arthur Koumoukelis

#### A. INTRODUCTION AND JURISDICTION

1. The Committee has jurisdiction under clause 4.4 of the "FFA A-League Disciplinary Regulations" applicable to the 2009-2010 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 10.2(b) of the Disciplinary Regulations in relation to the matter described in the table above.
3. The Match Review Panel ("**MRP**") issued a notice which stated:

The purpose of this Notice is to advise you of the following:

1. the MRP has reviewed the A-League Match between the Club and Melbourne Victory FC on Friday, 29 January 2010 (*Match*);
2. the MRP has identified the following incident: in or about the 12<sup>th</sup> minute of the Match, the Player struck an opponent, Robbie Kruse (*Incident*);
3. the MRP alleges the Incident is a Red Card Offence, namely "Assault on a Player (e.g. violent conduct when not challenging for the ball)";
4. the Mandatory Match Suspension for the Offence, if proven, is one (1) A-League Match. The MRP proposes an additional sanction of four (4) A-League Matches. The total proposed sanction is five (5) A-League Matches;
5. the minimum sanction for the Offence under the Regulations is two (2) A-League Matches.

**Player Options**

6. You may either:
  - (a) accept the sanction proposed at paragraph 4; or
  - (b) refer the matter to the Disciplinary Committee for determination on
    - (i) the alleged Offence; and
    - (ii) the sanction to be imposed.
7. You must notify FFA of your election under paragraph 6(a) or 6(b) by forwarding the enclosed Election Form to FFA by 12.00pm (your time) Tuesday 2 February 2010.
8. If FFA does not receive the properly completed Election Form by the time specified in paragraph 7, you are deemed to have accepted the proposed sanction.

4. Mr Pantelidis ("**the Player**") has not accepted the MRP's notice and disputes the offence and the proposed sanction.

**B. THE HEARING**

5. On the evening of Wednesday 3 February 2010 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. These are the written reasons of the Committee in the "shortest form reasonably practicable" (see clause 20.3(c)).
6. At the hearing, Disciplinary Counsel was Mr I Gristi and the Player was represented by Mr C Palmer and the Player himself.

**C. FACTS**

7. We have had the benefit of seeing Fox Sports footage of the incident from several different angles. That footage became an unnumbered exhibit.
8. For the FFA there were documentary exhibits (1, 2A, 2B, 3 & 4) and for the Player there was his statement and his oral evidence and certain still images taken from the footage.
9. In around the 12th minute of the game an incident occurred between player Pantelidis and opposing player Robbie Kruse. The incident was not observed by the referee or other match officials.

10. The still frames below from the footage show the contact:



11. The Player accepts that he retaliated to the actions of Robbie Kruse but says that it was entirely in self defence.

**D. SUBMISSIONS**

12. The factors submitted by the FFA included:

- (1) The action was initiated by Steve Pantelidis by holding Robbie Kruse;
- (2) The only action of Robbie Kruse was to attempt to break free of the hold;  
and
- (3) Steve Pantelidis reacted in a violent way

13. The factors submitted on behalf of the Player included:

- (1) His conduct was in self defence;
- (2) He says he was punched by Robbie Kruse and that all his conduct thereafter was to prevent a further attack; and

- (3) He relies upon images such as the one below which do show contact to Steve Pantelidis' head.



14. Further, the Player submits that in any event he was at least provoked and that the sanction ought reflect that provocation.
15. No submission has been made by Disciplinary Counsel or the player that there are Exceptional Circumstances within clause 11.3 of the Disciplinary Regulations.
16. Reference was made to the factors which appear in clause 11.2 of the Disciplinary Regulations. In particular, 11.2(d) was referred to, it being submitted that the conduct of Robbie Kruse amounted to extenuating circumstances.

#### **E. CONSIDERATION**

17. In our view the incident started with player Pantelidis holding Robbie Kruse. Next, Kruse attempted to break free of the hold by pushing out with his left arm. Kruse must have done that with some force as the heel of his left palm hit the chest of Pantelidis and then moved up so as to come into contact with the face of Pantelidis. Pantelidis' head was pushed back. Pantelidis wrongly believed that he was punched but with that belief in mind retaliated to what he thought was an initial assault.
18. The retaliation involved the use of Pantelidis' right forearm and the forearm, either towards the point of the elbow or at the point of the elbow (the particular part of the forearm is not of great significance), made contact with the back of the head of Robbie Kruse and this act was an intentional violent strike. Further, it is one of the most aggressive acts to ever come before this Committee and quite possibly one of the most serious in the history of the A-League. We find that the retaliation of Pantelidis continued after the first strike and that Pantelidis when going to the ground on top of Kruse intended to make further contact with Kruse, which he indeed did with his forearm again to Kruse's head. The whole of the conduct was somewhat brutal.
19. The next aspect is the appropriate sanction.

20. The appropriate sanction must be a minimum of two matches and there is no relevant maximum specified in the table of offences. In our view whatever the starting point is there ought be some reduction for what we find are extenuating circumstances in the perceived conduct of Robbie Kruse. Having said that, in our view the starting point is somewhat higher than five matches (being the proposed sanction of the MRP). In our view allowing for a reduction, five matches is the appropriate sanction when all of the conduct of Steve Pantelidis and Robbie Kruse is taken into account.
21. Insofar as Steve Pantelidis has received many yellow cards this season, we are not of the view that these yellow cards are relevant to the sanction for this offence and have not increased the sanction in any way because of these yellow cards.

**F. RESULT**

(1) Finding as to offence

22. We find the offence has been established.

(2) Sanction to be imposed

23. The sanction we impose is a total of five matches, ie four matches over and above the Mandatory Match Suspension under row 4 of the table of offences.

(3) Suspension and probationary period

24. Under clause 12.2 it is open to us to suspend part of the sanction. We are of the view that it is not appropriate to suspend any part of the sanction and indeed no submission was advanced on that topic.

*John Marshall*

J E Marshall SC, Disciplinary Committee Chair  
Wednesday 3 February 2010