

**DISCIPLINARY AND ETHICS COMMITTEE OF THE FOOTBALL FEDERATION OF  
AUSTRALIA**

**DETERMINATION IN THE FOLLOWING MATTER:**

<b>Team Official and club</b>	Chris Bowling Newcastle Jets FC
<b>Alleged offence</b>	Unsporting conduct toward a match official
<b>Date of alleged offence</b>	23 April 2022
<b>Occasion of alleged offence</b>	Match between Newcastle Jets and Central Coast Mariners
<b>Date of Disciplinary Notice</b>	27 April 2022
<b>Basis the matter is before the Disciplinary Committee</b>	A referral: see clause 11.37 and 11.38 of the regulations
<b>Date of Hearing</b>	Monday 2 May 2022
<b>Date of Determination</b>	Tuesday 3 May 2022
<b>Disciplinary Committee Members</b>	Chair Lachlan Gyles SC Anthony Lo Surdo SC David Barrett (Player)

**A. INTRODUCTION**

1. This matter concerns match day contact with an assistant referee by a Team Official, being the goalkeeping coach of the Newcastle Jets, Chris Bowling ("the Coach").
2. The Coach made contact with the back of the Assistant Referee, Ryan Gallagher, a metre or so outside of the technical area. This contact was reported to the match Referee Kurt Ames, and a red card was issued to the Coach.
3. The MRP subsequently determined that the Offence constituted 'Unsporting Conduct towards a Match Official', which carries a minimum sanction of one match (MMS), plus three additional matches.
4. The sole issue for determination by the Committee is whether the sanction for the Offence should be the MMS, or whether a greater sanction should be imposed.

## B. JURISDICTION

5. The Committee has jurisdiction under clause 4.3 of the "FFA A-League Disciplinary Regulations" applicable to the 2021-2022 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.
6. In this matter the MRP acted under clause 11.1(a) and (d). The MRP made a determination under clause 11.1(d) that an Offence had been committed and that the Offence was a Category 2 Offence. That led to the issue of a Disciplinary Notice on the Coach, and under clause 11.38 of the regulations, the MRP has referred the matter to the Committee.
7. The same grading being category 2 had been used in relation to previous matters concerning contact between Team Officials and the Referee, and was therefore a consistent approach to that type of conduct.
8. The function of the Committee in such a case is to determine the question of what additional sanction, if any, should be imposed over and above the Mandatory Match Suspension. In the circumstances of this referral, guilt or innocence is not up for review. That issue has been finally determined by earlier processes. The Committee has no jurisdiction to deal with that question and will not express any view on that topic.
9. Relevantly, clause 11.40 provides:
 

*11.40 At a hearing conducted pursuant to a referral under clause 9.31(b), the Disciplinary and Ethics Committee:*

  - (a) *must make a Determination as to whether an additional sanction over and above the Mandatory Match Suspension is warranted;*
  - (b) *whilst limited to determining the question of any additional sanction, may have regard to, but is not bound by the Range at the Table of Offences;*
  - (c) *...*
10. It is open to the Committee to upgrade or downgrade the offence; albeit not to eliminate the Mandatory Match Suspension. Otherwise the Committee is not bound to impose the minimum sanction as set out in the table, and has the power to reduce that.

### **C. THE HEARING**

11. On the evening of Monday 2 May 2022 the Committee heard the referral of the above matter. At the conclusion of the hearing the Committee announced its determination, and these are the written reasons of the Committee in the "*shortest form reasonably practicable*" (see clause 22.4).
12. At the hearing, Disciplinary Counsel was Mr Ivan Griscti, and Mr Bowling was represented by Shane Mattiske, the Executive Chairman of the Newcastle Jets.
13. The evidence at the hearing comprised video footage, the Disciplinary Notice, reports of the match officials and evidence from Mr Bowling.

### **D. FACTS**

14. There is no substantial debate about what occurred. The incident was not seen by the Match Referee but was reported to him by his assistant Ryan Gallagher, nor was it seen by the 4<sup>th</sup> Official.
15. Mr Gallagher was the person with whom contact was made, so is in the best position to give evidence as to the level of force and the point of the contact. In that respect he says that contact was between the Coach's arm and Mr Gallagher's back, and he described the force as low.
16. Mr Gallagher is not able to say whether the contact was intentional as he was looking the other way as he ran past. He says that after the match the Coach apologised and said that he didn't mean to make contact, which apology was taken to be sincere and was accepted.
17. Nevertheless it is noteworthy that Mr Gallagher considered the incident to have been of sufficient seriousness to recommend that a red card be issued to the Coach for violent conduct. He plainly did not consider it to have been trifling or insignificant.

### **E. SUBMISSIONS**

18. Disciplinary Counsel submitted that the weight of the evidence supports the position that the conduct was accidental. He submitted that the contact could possibly be more properly characterised as Offence 10 – Use of offensive Insulting or abusive language and/or gestures against a match official, which carries only a sanction of the MMS.
19. Disciplinary Counsel put the appropriate sanction as 1-2 matches in total.
20. Mr Mattiske submitted that the contact was accidental and not deliberate. He says that the Coach immediately signalled an apology and that the force was low. He submitted that the Coach was of good character, has expressed contrition and apologised immediately after the match. Mr Mattiske submitted that the MMS was the appropriate

sanction, and nothing more than that.

21. Despite that, Mr Mattiske said that the Club and the Head Coach did not consider the conduct to have been acceptable, and that the Club had given a written warning to the Coach about it. Mr Mattiske said the Club and the head Coach Mr Pappas had this season made a particular effort to discourage Players and Officials from criticising or remonstrating with Referees about decisions on the field, and that they had encouraged other Clubs to do the same. The Club is to be commended for that. The A-League should be the gold standard for player and coach behaviour.

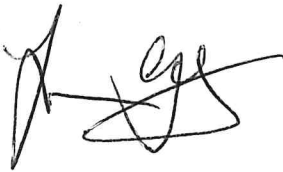
## **F. CONSIDERATION AND FINDINGS**

22. There is no doubt that there was contact between the Coach and the Match Official. We however accept the evidence of the Coach that he did not know that the Match Official was in close proximity to him, and we accept that the contact was accidental and was not intentional.
23. Despite this finding, we still take the view that an additional one match should be imposed over and above the MMS, primarily for the following reasons:
- a) the Coach should not have left the technical area at all, and if he had not done so, the contact would not have occurred;
  - b) it was not part of his role as Goalkeeping coach to leave the technical area in the way that he did, and to do so constituted a lack of discipline;
  - c) when he was out of the technical area and was asked (quite reasonably) by the 4<sup>th</sup> official to return to it, he refused to do and swore at him, twice, something which on its own could have been the subject of a Red Card;
  - d) when out of the technical area he behaved recklessly, or at least carelessly, in swinging his arms in a way which made contact with the Referee;
  - e) whilst the Assistant Referee was not hurt, he could have been;
  - f) the Coach has a prior offence being a red card for swearing at a match official.
24. The Committee was impressed with the honest and forthright evidence which the Coach gave, and the contrition which he showed, which stood in his favour. However, the Committee must also support and mandate a zero tolerance policy when dealing with contact with match officials. They play an integral and important role in the game and have a right to be protected – any contact whatsoever is not to be permitted. This is consistent with the earlier decision of the Committee in *Amor* in which the Coach received a sanction of three matches (2 matches of which

were suspended), despite the Committee finding that Mr Amor only intended to get the Referee's attention, and despite what was found to be an excellent character and prior record in the game. The Committee could also not condone the way in the 4<sup>th</sup> Official was treated, which was rude and discourteous, and a poor example to the Players.

**G. RESULT**

The sanction we impose is one match over and above the Mandatory Match Suspension.

A handwritten signature in black ink, appearing to read 'L.V. Gyles', with a stylized flourish at the end.

L.V.Gyles SC

Chairman

3 May 2022