

**DISCIPLINARY & ETHICS COMMITTEE OF FOOTBALL AUSTRALIA  
DETERMINATION IN THE FOLLOWING MATTER:**

Official and Club	Christophe Gamel
Alleged offence	Offence No 4, R-T-O1 Assault on Player
Date of offence	25 October 2024
Occasion of offence	Macarthur FC and Newcastle Jets
Date of Disciplinary Notice	28 October 2024
Basis the matter is before the Disciplinary Committee	A referral: see clause 11.26 of the A-Leagues Disciplinary Regulations 2024/25
Date of Hearing	4 November 2024
Date of Determination	11 November 2024
Disciplinary Committee Members	Lachlan Gyles SC Deborah Healey Rob Wheatley (Player)

**A. INTRODUCTION AND JURISDICTION**

1. The Disciplinary and Ethics Committee of Football Australia (Committee) has jurisdiction under clause 11.26 of the "A-Leagues Disciplinary Regulations" for the 2024/25 A-Leagues season (the Disciplinary Regulations) to determine matters which have been referred to it pursuant to the Disciplinary Regulations. When a matter is 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. This matter comes before the Committee by way of a referral from the Match Review Panel ("MRP") which formed the view that a sanction of greater than four matches was warranted for the offence, to which Mr Gamel was charged and has pleaded guilty. The offence, being "Assault on a player, team official, spectator or any other person other than a match official" carries a minimum sanction of two matches, the mandatory one match suspension plus one match.
3. The issue for the Committee is whether there should be an additional period of suspension, over and above the minimum of two matches.

**B. THE HEARING**

4. On the evening of Monday 4 November 2024, the Committee heard the referral of the above matter. Disciplinary Counsel was Mr Ivan Griscti and Mr Gamel was represented by Macarthur FC CEO, Sam Krslovic.

5. The evidence at the hearing comprised video footage, photographs, the Disciplinary Notice, reports from the match officials and evidence from Mr Gamel.
6. Mr Krslovic accepted that the Committee had jurisdiction to determine the matter and to impose whatever sanction it saw fit, at or above the minimum 2 matches

**C. FACTS**

7. The Committee has had the benefit of the video footage of the incident which leaves relatively little room for dispute as to what occurred in the interactions between Mr Gamel and the two relevant Newcastle Jets players. The only real areas of dispute are whether Jets Player #39 was the aggressor in the physical confrontation with Mr Gamel and whether the latter was only trying to break clear of him, and second as to the point of contact between Mr Gamel and the Newcastle Jets goalkeeper Ryan Scott in the second of the physical confrontations in which he became involved.
8. The facts outlined below are our summary of what occurred as evidenced by the video evidence. We think that the conduct of Mr Gamel can be broken down into three different parts, as follows.
9. First, Mr Gamel entered the playing field after the referee had blown the whistle, with his clipboard. He did not say why he had entered the field, but it was submitted on his behalf, and we accept, that he was doing so to gather those players who would be required to undertake further post-match drills before returning to the dressing room.
10. At that time, the Newcastle Jets goalkeeper had run some distance from his position and had commenced a heated discussion with two of the Macarthur players, including Matt Jurman. Three other Newcastle Jets players were involved in the discussion, which was taking place under the close watch of three match officials. Whilst those players were in close proximity to each other and may have been engaged in pushing and shoving, there was objectively nothing of a violent character occurring or such that would cause one to believe that any of the players was in physical danger.
11. Mr Gamel entered the group and began grappling with Thomas Aquilina, one of the Newcastle Jets players (#39). The referee says that at one point he observed Mr Gamel grab that player around the neck. Mr Gamel and Aquilina whilst grappling with each other then moved a few steps towards another group of players, and the referee states, and we agree, that during this time Aquilina appeared to be attempting to restrain Mr Gamel from moving towards the second group of players. There is no doubt, and the footage and still photographs make clear, that during this period Mr

Gamel was wrestling with Aquilina and Mr Gamel's forearm came into contact with Aquilina's neck.

12. Aquilina was ultimately not able to restrain Mr Gamel and a further confrontation took place between him and the Newcastle Jets goalkeeper, who appeared to be the instigator of the disagreement between the players, and when Mr Gamel and the Newcastle Jets goalkeeper came close to each other, Mr Gamel pushed the goalkeeper away.
13. The referee states in his report that Mr Gamel used his right hand to push the goalkeeper in the face with an open palm, and he then issued Mr Gamel with a red card and he left the field of play without further complaint.
14. The tensions between the players then subsequently quietened down and no further cards were issued nor disciplinary action taken by the referee in respect of the incident.

#### **D. SUBMISSIONS**

15. Mr Gamel submits that the reason that he went across to the first group of players was that he was concerned for the safety of Matt Jurman who he says was being confronted by four or five players from the Jets. He says when trying to get to Jurman he was confronted and pushed by the Jets players, and that he tried to hold one of those persons close to his body to avoid being hit. He also says that the players blocked him and that he was trying to push them away to get through to protect Jurman.
16. Mr Gamel says that after that the Newcastle goalkeeper came and started to insult and to try to block him, and Mr Gamel pushed him away by making contact with his shoulder, to defend himself.
17. He says that he never intended to assault anyone and was only trying to defend himself and one of the Macarthur players but he does recognize his wrongdoing and takes full responsibility for his actions and apologises for his conduct.
18. Mr Krslovic in effect submits that there was some justification for Mr Gamel entering the hostilities to seek to protect one of the players and that from that time we should find that he was not the aggressor but that his motivation was to try to de-escalate the situation and prevent the Newcastle Jets players from getting to Matt Jurman and that he was really trying to stop an assault taking place.
19. Mr Krslovic also says that Thomas Aquilina had his arm around Mr Gamel's neck which caused him to have to try to remove that and further says that the Newcastle

Jets goalkeeper was the aggressor in the confrontation between the two and that Mr Gamel was only seeking to protect himself by pushing him away, and invites us to reject the referee's version to say that the point of contact where Mr Gamel pushed him away was the shoulder of the goalkeeper not the neck.

20. Mr Krslovic otherwise relies upon Mr Gamel having only ever received one red card as an official in over 17 years of coaching, relies on the fact that he was intending to protect people rather than hurt them by entering into the hostilities, and otherwise relies upon his apology and contrition to support a submission that the appropriate sanction is two matches, being the MMS plus 1 match.
21. Mr Griscti's submissions can be summarised as follows:
  - a) The committee should accept the facts set out in the referees report, first because it is clear from the video footage that the referee was very close by and closely observed the relevant events, and second, by operation of Clause 21.2 of the Regulations which provides that "*the facts contained in a referee's report or match official report are presumed to be accurate unless the contrary is established*";
  - b) That Mr Gamel should not have involved himself at all in what was occurring between the players and that it was totally unnecessary for him to do so;
  - c) That as a consequence of Mr Gamel getting involved the situation was in fact escalated;
  - d) That it is not a correct characterisation to say that the Newcastle Jets players were the aggressors in the incidents concerning Mr Gamel, and that Thomas Aquilina appearing to attempt to hold him back from the second interaction with the Jets goalkeeper;
  - e) The conduct of Mr Gamel and the contact he made with the two Jets players was both unnecessary and involved an excessive force, combined with objectively aggressive behaviour.
22. Mr Griscti submits as a result of such matters that the committee should find that Mr Gamel's actions were unnecessary, inflammatory and serious, and that it is most undesirable for any official to be involved in physical confrontation with any players. In the circumstances he submits that a sanction in the order of five to six games, including the MMS, is warranted.

## **E. CONSIDERATION AND FINDING**

23. First, the Committee accepts the submission of Mr Griscti that the evidence set out in the referee's report should be accepted. This evidence, which is consistent with the video evidence we have seen, proves that there was intentional and aggressive physical contact between Mr Gamel and two Newcastle Jets players in the immediate aftermath of the game, each of which would meet the description of the offence of 'assault on player'. Whilst we understand that Mr Gamel submits that his actions were ultimately intending to prevent physical confrontations between the players from the two teams, he accepts that the offence is made out and his submissions are limited to what the appropriate sanction should be.
24. In respect of the appropriate sanction, we are not aware of any other previous case before this Committee which involves assault between an official and a player. By way of comparison, contact by a player on another player in the heat of battle may have less culpability, and contact with a match official may carry a greater culpability. In any event there are no authorities which provide guidance in respect to this particular situation.
25. We accept that the motivation for Mr Gamel's involvement in the hostilities between the players was genuine in the sense that he was concerned to protect the welfare of one of the Macarthur players. That is plainly very different from a situation where a club official was to make physical contact with a player for the purpose of causing harm to him. A far greater sanction in respect of the latter would be justified in respect of the latter, let alone the possible criminal consequences.
26. In any event, despite what might have been a protective motivation, there is in the view of the Committee simply no justification whatsoever for Mr Gamel becoming involved in the disagreement which was playing out on the field at the time that he did. It was unnecessary, highly unprofessional, set a very bad example, and likely led to a greater level of hostility and therefore a greater level of risk to those who were involved. For a person who played professional football for 15 years and has been involved in a coaching capacity for 17 years after that it is a very bad look, and there is no excuse for such a lack of discipline.
27. Club officials should not be on the field at all, either during the game or whilst the players are leaving the field. They should remain in the technical area. The field is the domain of the players and should be left to them. We also note in the present case that there were three match officials immediately adjacent to and able to deal

with any unsatisfactory conduct that was occurring between the players at the time that Mr Gamel chose to enter the fray.

28. In relation to the conduct itself, the first unsatisfactory aspect of what Mr Gamel did was to act in an aggressive fashion, which only served to add to the hostility and caused two of the Newcastle Jets players to see a need to restrain him. Second, the physical contact which he engaged in was not minor or trifling, but was itself aggressive and could have caused injuries to himself or to the other players. It could also have led to an escalation to a point of physical violence. Third, if Mr Gamel's motivation was to keep others away from the Macarthur players, once that had been achieved in respect of Matt Jurman he should have simply walked away instead of moving towards the second group of players. Fourth, once he did that, there is no justification whatsoever for pushing the Jets goalkeeper in the face in the way that he did, irrespective of whether that person was the instigator of the hostility between the teams. That does not justify Mr Gamel taking matters into his own hands.
29. The Committee accepts that Mr Gamel is not a violent person by nature and accepts that he has a good record such that would indicate that he ordinarily has the necessary discipline to comply with the rules and practices of the game. The Committee also accepts that the genuine apology and that the red card, combined with the sanction which he will receive from this Committee, will have a significant deterrence upon him committing the same or similar offences.
30. However, that is not the end of the matter in terms of sanction. It is important for this Committee to consider matters of general deterrence in circumstances where the A-League is the pinnacle of the game in Australia and the players and club officials, being professionals, should be held to the highest account when it comes to their own conduct, particularly in respect of matters as serious as the present. There is simply no justification for any aggression or hostility occurring between coaches and players at any level of the game and this Committee by this sanction needs to send a clear and unambiguous message to all club officials that conduct of this character will not be tolerated in the A-League, or at any level of the game.

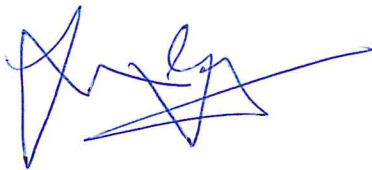
## **F. RESULT**

31. The Committee therefore imposes a sanction on Mr Gamel of a suspension from his coaching duties for six (6) A-League games (of which two (2) have already been served), such suspension to be served in accordance with Clause 15.2 of the A-Leagues Disciplinary Regulations. This sanction includes the Minimum Mandatory Suspension of one (1) match.

**G. APPEAL RIGHTS**

32. A participant has a right to appeal against any Determination of the Disciplinary and Ethics Committee. To initiate the appeal the Participant must notify Football Australia of its intention to appeal within seven (7) days from the date of the Written Determinations, or by 18 November 2024. The Participant must use the Prescribed Forms DR02 found in the Disciplinary Regulations and be accompanied by an appeal fee of \$2,500 to Football Australia. The grounds of appeal specified in clause 23.5 of the Disciplinary Regulations as the following:

- a) The participant was not afforded a reasonable opportunity to be heard on the issues;
- b) The Determination was affected by bias; and
- c) The decision was one that was not reasonably open to the Disciplinary and Ethics Committee, having regard to the evidence before the Disciplinary and Ethics Committee.



Lachlan Gyles SC, Co-Chairman Disciplinary & Ethics Committee

11 November 2024