

## DISCIPLINARY COMMITTEE OF FOOTBALL AUSTRALIA

### DETERMINATION IN THE FOLLOWING MATTER:

Player and club	Ella Mastrantonio Perth Glory
Alleged offence	Assault on Player
Date of alleged offence	16 January 2023
Occasion of alleged offence	Match between Perth Glory and Wellington Phoenix
Date of Disciplinary Notice	16 January 2023
Basis the matter is before the Disciplinary Committee	A referral: see clause 3.3(a) and 11.21(b)
Date of Hearing	1 February 2023
Date of Determination	2 February 2023
Disciplinary Committee Members	Lachlan Gyles SC (Chair)  Will Aplin  David Barrett (Player)

#### A. INTRODUCTION AND JURISDICTION

1. The Committee has jurisdiction under clause 4.3 of the "A-League Disciplinary Regulations" applicable to the 2022-23 A League Women season (**the Disciplinary Regulations**) to determine matters which have been referred to it. 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 arises from an incident that occurred during the A League Women's match between Perth Glory and Wellington Phoenix on 16 January 2023. Ella Mastrantonio ('the Player') received a red card from the Referee as a result of the

incident and was subsequently served with a Disciplinary Notice dated 16 January 2023.

3. The Notice informed the Player that the Match Review Panel had determined that the red card offence committed by her was offence #4 "Assault on a player (eg. violent conduct when not challenging for the ball) or against any other person other than a match official, including attempt at assault". The Match Review Panel in the Disciplinary Notice gave notice of a proposed sanction of three matches, being the minimum sanction for that offence of two matches, plus one additional match.
4. The Player after receipt of the Notice did not accept the sanction, and exercised her right to refer consideration of the matter to this Committee.
5. The question to be determined by this Committee is whether any additional sanction should be imposed above the mandatory match suspension for the offence, as applied in the table of offences set out in the Regulations.
6. In this respect, Disciplinary Counsel stands by the categorisation of the offence by the Match Review Panel, which carries a mandatory two match suspension, but Counsel for the Player submits that the Match Review Panel ought to have categorised the offence as offence #5, Serious Unsporting Conduct, which carries a minimum sanction of one match. Disciplinary Counsel does not take issue that the Committee has jurisdiction to, and can, consider and where appropriate reclassify, the relevant offence on a referral of this nature.
7. The issues for determination therefore firstly involve whether the offence ought to have been categorised as offence #4 or offence #5, and in either respect, whether an additional sanction should be imposed above the mandatory match suspension.

## **B. THE HEARING**

8. The hearing of the referred matter took place on the evening of 1 February 2023, by AVL. Disciplinary Counsel was Mr Gristi, and the Player was represented by Mr Phillips.
9. Disciplinary Counsel relied upon the following evidence:
  - a) Video footage of the incident;

- b) Referees report;
- c) Player's disciplinary record.

10. The Player in addition tendered and relied upon a statement from the Player dated 31 January 2023 as well as letters of support from Dean Heffernan, former Head Coach Western Sydney Wanderers, and Ms Carolina Morace and Nicola Williams, respectively the Head Coach and Assistant Coach S.S.Lazio.
11. The Committee heard oral evidence from the Player and received both written and oral submissions by Disciplinary Counsel and Counsel for the Player at the hearing.
12. After deliberations the Committee has made its decision and this document is intended to provide the reasons of the Committee for its Determination in the "shortest form reasonably practicable".

### **C. CATEGORISATION OF THE OFFENCE**

13. The Regulations themselves do not circumscribe or provide guidance as to the categorisation of offences, going beyond the description of the offences themselves in the table in Schedule 3. In respect of offence #4, Assault on a Player, the only guidance contained within the table is an example which is given being "violent conduct when not challenging for the ball". That example is not exhaustive but would appear to seek to differentiate circumstances in which deliberate contact is made between one player and another when challenging for the ball, as compared to when not doing so.
14. As a matter of construction, these words may also arguably indicate an intention that the assault must be violent in the sense that it is intentional and intended to cause injury, or perhaps be so reckless as to be indifferent to whether injury may be caused.
15. The alternative construction, which receives some support in the FIFA Laws of the Game, is that all that is required is the use of "excessive force" by the Player. That is, violent or brutality is not a necessary pre-condition of that offence.
16. In the view of the Committee if the former construction was adopted, it would not be justified in finding that either of the players involved in the incident acted violently, in the sense that they intended to injure the other player, and further we

would not be satisfied that the use of force was so extreme as to give rise to a substantial risk of injury to the other player.

17. Ultimately however the Committee prefers the alternative construction. On that construction, a category 4 offence of assault on a player will be made out where a player makes intentional contact with another player, otherwise than when challenging for the ball, and uses excessive force in doing so. That is, it is not necessary for the player to have acted with brutality, or to have acted in a way which caused a serious risk of injury to the opposing player. This construction sits more neatly Law 12 of the FIFA Laws of the Game, which provides that "violent conduct is when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball...regardless of whether contact is made" and that "using excessive force is when a player exceeds the necessary use of force and/or endangers the safety of an opponent". It is also consistent with the Committee's comments in the Amor case. While that case is distinguishable in that it involved contact with a Match Official, we note the Committee's observations at [38] that it would likely have considered recategorising the incident as one of "assault" had it found there to have been an intentional push in the back.
18. It is then necessary to consider whether the conduct of the Player falls within the operation of offence #4 as was found by the MRP, and for the purpose of the determination we will use the preferred construction identified above, namely the litmus test being whether the force applied by the Player was excessive in the circumstances.
19. The Player contends in her statement, and gave evidence before us, that prior to the contact made by her she had been knocked off balance and grabbed the opposing player for the purpose of keeping her balance. She says that she did not intend to make contact with the player's neck and she says "I then went beyond just holding on to Emma for balance and pulled her towards me, but I quickly let go of her after realising I accidentally grabbed her neck."
20. The Committee does not accept this explanation for what occurred. The trigger for the incident was the Player making contact with the legs of the opposing player while the ball had been trapped between them during play. Whilst the Player asserted that she was attempting to free the ball from the opposing player's legs, the Committee finds that there was no real prospect of this and the conduct of the

Player in doing so was more consistent with being frustrated that she was not able to get the ball, and perhaps to assist in obtaining a free kick (which the referee awarded). The opposing player was obviously angry at the Player for making contact with her in this way, and stood up and pushed her. We do not accept that she did so simply because a free kick had been awarded against her. Nevertheless, after the opposing player had pushed the Player in the way that she did, the Committee finds that there was no need for any contact to occur between the two of them and the Player should have walked away. Rather than doing that, the Committee finds that the Player retaliated by putting her arm around the shoulder or neck of the opposing player and pulling it forcefully towards her. The Committee does not accept that this was simply to obtain her balance but rather was a retaliatory act. To be clear, it does not find that there was any intention on the part of the Player to injure the opposing player but rather was a "square up" for the contact which had been made previously by way of a push.

21. The Committee finds that the force which was applied in that movement by the Player was excessive and unnecessary and accordingly finds that the conduct falls within the definition of category #4, Assault of player, on the construction that the Committee prefers. The Committee therefore does not reclassify the offence and accepts the MRP's categorisation for the purpose of this referral.

**D. APPROPRIATE SANCTION**

22. Whilst the MRP imposed a sanction of one match in addition to the MMS of two matches, the Committee accepts the submissions of the Player that the appropriate sanction is the MMS of two matches and that an additional match is not justified in the circumstances. Disciplinary Counsel does not challenge this approach. The reasons for this include that we would regard the conduct as at very much the low end of culpability for a category #4 offence in terms of the force that was applied and the relatively low level of risk of injury to the opposing player. Further, the Committee accepts that the conduct was not pre-meditated, nor intended to cause injury, and was an instinctive retaliatory action. We also have regard to the Player's good disciplinary record and the excellent character references which she has provided. She has also been contrite and remorseful and we accept that the prospects of her reoffending are minimal.
23. If a different view was taken about the proper construction of a category #4, "Assault of player" which required a level of violence or brutality which was not

present in this incident, and consequently the offence was re-categorised as serious unsporting conduct, the Committee would have found that the appropriate sanction was one match in addition to the MMS of one match, being a total of two matches. Further, it would not have suspended that additional match. For practical purposes therefore, the outcome would have been the same irrespective of the categorisation of the offence.

24. In that regard, we would not categorise what occurred as being at the lower end of the conduct which could comprise serious unsporting conduct. The Player is a professional footballer. She has played at the highest level in Australia for many years and has played for the Matildas. With that comes a responsibility to set an example and be a role model for footballers at all levels across Australia. The A League Women's Competition is at the apex of the Women's game in Australia and this Committee requires a gold standard of behaviour on and off the field, by professional players playing in that league. This incident was ugly and a very bad advertisement for the game. Both players should have known better. It is not an excuse that one or other player was provoked by the other. Professional football requires discipline, and part of that discipline is to refrain from impulsive tit for tat physical confrontations and unnecessary physical contact. Both players in this case let themselves and their clubs down by engaging in such conduct.

**E. DETERMINATION**

25. The sanction we impose therefore is two matches (MMS +1).

A handwritten signature in black ink, appearing to read 'L V Gyles', with a horizontal line underneath the name.

L V Gyles SC, Disciplinary Committee Chair  
Monday, 15 January 2024