

Sporting Transparency from ESFA to FIFA:

Good Governance Starts at the top and therefore Football
Tribunals have a problem on their hands!



David P. Lewis

Presentation Outline

- Experience
- FFA National Codes
- Football NSW Grievance & Disciplinary Regulations - FNSW procedure – how it works
- Member Associations
- District Associations
- Influence of the professional game on behavior in amateur sport
- What's happening at the Tribunals
- AustLII Database Launch



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Experience



CARL

Visiting Fellow UNSW & Lawyer @ Freehills

CLIRS

Football Referee – Australia, UK and Cambodia

Entrepreneur with a passion for Football & Equity!



Ethics & Sport

“For sport to exist at all, it has to exist within an ethical framework of playing fairly. There’s no point to it otherwise. A game of cricket that’s fixed has lost all its meaning.

In the corporate world, a rouge trader might wreak a lot of financial damage, but still doesn’t destroy the raison d’etre of business. The presence of a rouge trader in cricket or any other sport does.”¹

¹ *[“Is Sport the Last Bastion of Moral Certainty”](#), Amanda Smith, Bowater School of Management & Marketing, 2005, p9.*

Sports Disciplinary Tribunals

FFA runs the game in Australia

- National Disciplinary Regulations & Code of Conduct applies to FFA, Member Federations, District Associations, Clubs, Players, Officials and Agents (Members)
- Applies to all forms of organised football under FFA's jurisdiction, including eleven-a-side, modified football, futsal, indoor and beach football
- Member Federations (FNSW) create Disciplinary Tribunals:
 - Disciplinary Committee (DC);
 - General Purposes Tribunal (GPT); and
 - Appeals Tribunal (AT).
- District Associations create local Disciplinary Tribunals

Why do we need these Tribunals?

Mr V – U9 Girls May08

AFL – Nov09 – spears/axes used in 500 person NT brawl

Athletics – Sep09 sports admin unconscious after fight

Baseball – countless examples inc deaths (USA)

American Football umpire targeted by Texas high school players – Sep15

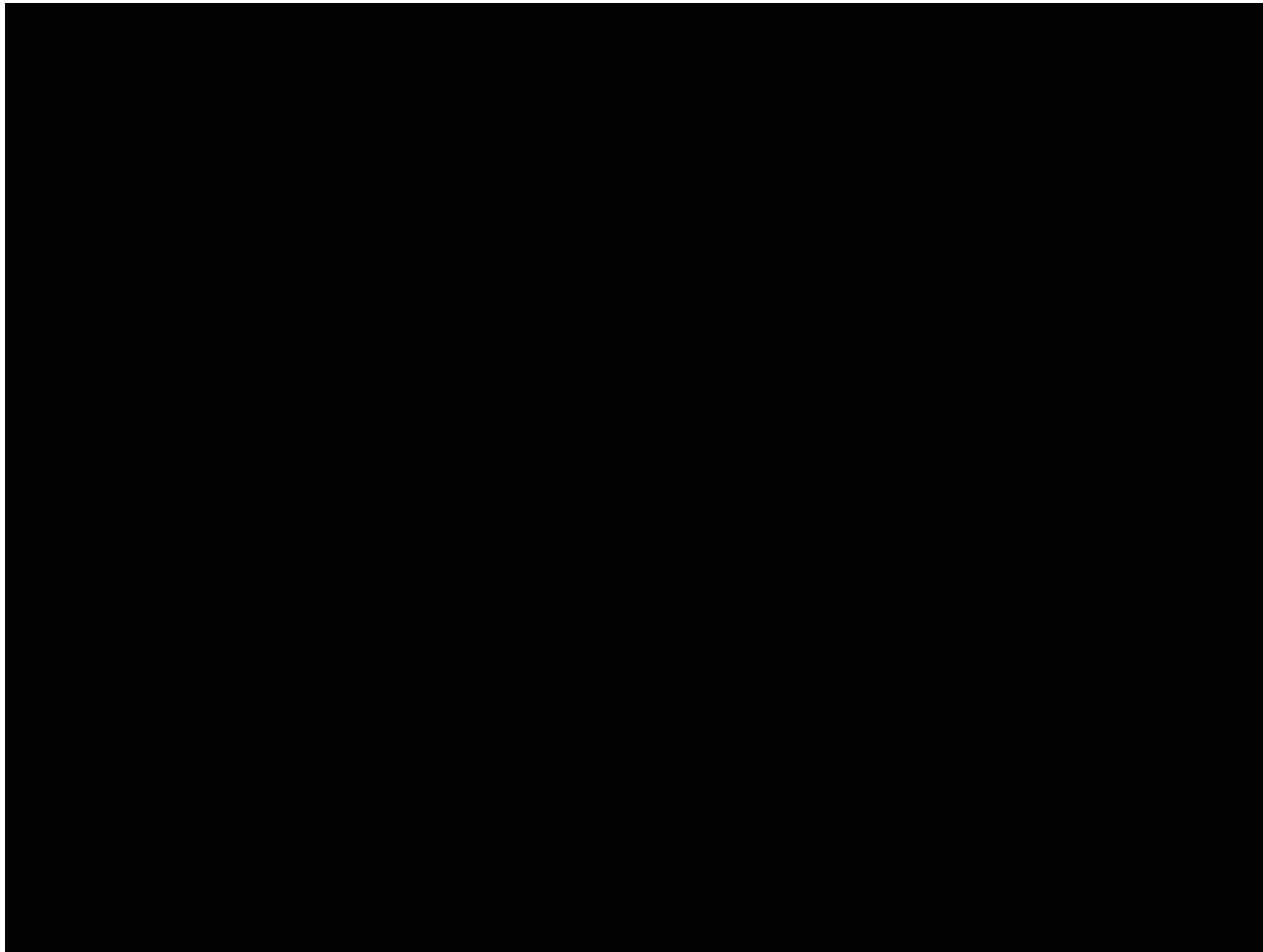
League – Aug15 – Penrith player banned 25 years
and where it all began – Tennis!



Where it all began – John McEnroe Wimbledon 1981



Drogba: Chelsea v Barcelona Champions League May09



FIFA – It all starts at the top!

- 27 May 2015, American prosecutors had seven FIFA functionaries arrested in Zürich on suspicion of accepting bribes, money laundering and tax evasion. The case involves the selling of votes within the FIFA executive for the South Africa World Cup and marketing rights -- but also for the awarding of the 2018 World Cup to Russia and the 2022 tournament to Qatar.
- Oct15: Sepp Blatter has said that the 2m Swiss francs payment to Michel Platini in February 2011 that has led to criminal proceedings and both men being suspended by Fifa was based on a “gentleman’s agreement”, and that there was no written contract documenting the money being owed to Platini.



What am I dealing with?

Spitting at Referees

Sexual Harassment - Minors

Dual registration and failure to release players

Attacking spectators

Denial of Natural Justice

Contempt of the Tribunal

Duty of Care of Club Officials

Racial Vilification

Abuse of Match Officials



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The Image of Referees

“Who wants to be a sports official?

Verbally abusing the referee or umpire at times borders on being a national sport of its own, whether it be over-appealing in cricket or venting frustrations if a decision doesn't go the way of your team.

On the surface there appears to be little incentive to be a match official.

I remember being the MC at a function in Canberra 15 years ago when a former international started his spiel with a joke about referees. The joke went along the lines of, when do people decide to be referees?

Answer: when they have a 21st birthday party and nobody turns up..”

Tim Gavel, The Canberra Times, 2006



Managers out of Control

Jose Mourinho - Chelsea

3 Oct 15 – criticised referees as “*afraid to give decisions for Chelsea*” after 3-1 defeat away to Southampton. £50,000 fine and suspended stadium ban.

24 Oct 15 – sent to the stands for the 2nd half after abusing referee Jon Moss at half time. Mourinho accused Moss of being ‘f***ing weak’ and of twice refusing to leave the referees’ room as he showed ‘a total lack of respect’ at half-time in the defeat by West Ham. The FA imposed a £40,000 fine and a stadium ban.

The disciplinary commission stated: “His behaviour was ... unacceptable and he showed a total lack of respect for the match officials and the sanctuary of their changing room. That is a most serious matter and has to be dealt with accordingly.

“This incident was serious because not only was Mr. Mourinho charged with using abusive and/or insulting language towards the Match Officials but he refused on two occasions to leave their changing room when requested and then had to be escorted (out).”



Photo: Getty Images

Abuse



What is the Solution?

- Panel members **MUST** be independent
- Need a qualified lawyer on every panel
- Codify procedure
- Natural Justice
- Document outcomes & Report to all stakeholders
- **PUBLISH On AustLII!!**

ESFA Judgments Database on AustLII

Launch & Online Search!



Sporting Transparency from ESFA to FIFA

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