

DISPUTE RESOLUTION AUTHORITY

Wolfe Gones G.A.C. –v- Gerard Roe & Gaelic Football & Hurling Association of Australasia

The Claimant herein is a G.A.A. Club founded in 1990 and is located in Victoria, Australia. A history of the Club since that time has been set out in written submissions received on its behalf, and it is not intended by this Tribunal to detail that history herein other than to observe that it is a history which appears to have been quite successful and the Club does appear to be very active in the affairs of the Gaelic Football & Hurling Association of Australasia.

The Wolfe Tones Club brings this application to the Dispute Resolution Authority as a result of a suspension imposed on the Club by the G.A.A. of Victoria at a meeting which took place on the 14th November 2005. That suspension was in turn appealed by Wolfe Tones G.A.C. to the G.A.A. of Australasia, the Respondent herein. By letter of the 7th January 2006, the Applicant herein was informed that its appeal had been dismissed by the Management Committee of the Respondent.

The background to the dispute relates to a match which took place between the Claimant herein and another Club in Victoria – Sinn Féin G.A.C. According to the submission of the Claimant, that match in itself appears to have been provoked by a further dispute between Sinn Féin G.A.C. and the G.A.A. of Victoria. The nature of that latter dispute has not been advised.

From a reading of the papers, it would seem that the League Final of Victoria was to be competed for by the Claimant herein and by Sinn Féin G.A.C. As noted, for reasons which are not offered, Sinn Féin sought to have the League Final played at another venue. This request was not granted. Thereafter, either confusion or disagreement arises. According to the Claimant, it was informed that Sinn Féin forfeited the game and that a challenge match was thereafter organised between Sinn Féin and the Claimant. As the Claimant accepts in its own submission, many saw this game “as the de facto league final”. The match was played at Wolfe Tone training ground in Port Melbourne.

It would appear from a consideration of the papers that the G.A.A. of Victoria took the view that this was an unauthorised fixture. Correspondence went from the Respondent to the Claimant advising it that it intended to hold a meeting on the 14th November 2005 where the main item on the agenda was to be “the League Final held at Port Melbourne”. By further letter of the 2nd November 2005, the Claimant was informed that the G.A.A. of Victoria intended to discuss “your Club’s decision to play the recent football cup final at Murphy Reserve rather than at the nominated venue Gaelic Park”.

Accordingly, there was clearly a disagreement between the parties as to whether the match which had taken place was the actual League Final, or a challenge match – albeit one which may have been considered to be the de facto league final.

The Claimant's complaint is that it was suspended by the G.A.A. of Victoria in circumstances where the latter did not observe the disciplinary procedure provided by Rule 86 of the Official Guide of Gaelic Football & Hurling Association of Australasia.

That Rule provides as follows:-

PROCEDURES:

- 86(A) Whenever the relevant Council or Committee proposes to adjudicate on any disciplinary matter other than a case involving a player receiving two yellow cards in a game, it shall give the Council Committee Club or Member alleged to have offended notice in writing of the alleged offence. The Member or Body shall have five days from the date of the notice to make written representation or to seek an oral hearing in relation to the alleged offence which hearing shall be granted on request. The only exception to this rule shall be that Management Committees shall hear breaches of discipline at the Australasian Championships within forty-eight hours of the alleged breach.
- (B) All Motions for Disciplinary Motion shall be moved and seconded. In the event of a Motion not being moved or not in order or when moved the voting is equal, the Chairperson of the Meeting shall impose an appropriate penalty. **In no instance shall a term of suspension be less than the minimum specified by Rule.**

- (C) When a penalty is imposed, the Council Committee Club or Member shall be informed of the decision in writing and the Rules under which the decision was taken.

Having regard to that particular procedure, it is of value to set out the correspondence which was sent by the G.A.A. of Victoria to the Claimant.

The first of these was an e-mail dated the 4th November 2005 and provided as follows:-

Dear All...The next meeting will be held on Monday 14th November, 8.00 p.m. at Gaelic Park. The main item on the agenda is the League Final held at Port Melbourne. On advice, this meeting was moved from Monday 7th November in order to give clubs involved appropriate notice, in writing, of this meeting.

Please send any other agenda items / apologies to me. Thankyou. Rebecca.

An e-mail was also received by the Claimant on the 7th November 2005 which included a Word document which is dated the 2nd November 2005 and provided as follows:-

Dear Secretary....This letter is to advise that the G.A.A. Gaelic Park Sub-Committee will meet on Monday 14th November at Gaelic Park at 8.00 p.m. to discuss, among other things, your Club's decision to play the recent football cup final at Murphy Reserve rather than at the nominated venue Gaelic Park. As it

would be in your club's interest to be at the meeting, it is recommended that up to two delegates attend at the time and venue shown above.

Yours sincerely, Rebecca Craythorne. Secretary.

The Respondent has furnished a letter dated 21st February 2006 directed to the Secretary of the Disputes Resolution Committee. This also refers to the background to the circumstances leading to the aforesaid match being played at Port Melbourne rather than at Gaelic Park. It would appear from this letter that the view of the Victoria G.A.A. was as already referred to herein, i.e. that the League Final was in fact played at an unauthorised ground. In respect of the meeting which was held to address this issue, the letter from the Gaelic Football & Hurling Association of Australasia informs as follows:-

The State Committee wrote to both clubs advising them that an executive meeting was to be held to discuss their playing of the final at a venue other than Gaelic Park. This meeting was held on 14th November with representatives of both teams present.

As already noted herein, at the meeting of the 14th November 2006, the following decision was made:

All male players registered to Wolfe Tones G.A.C. as of September 11th 2005 will be suspended until the end of April 2006.

It is obvious from the above that it was the intention of the G.A.A. of Victoria to adjudicate on a disciplinary matter at the meeting on the 14th November 2005. That being so, it was incumbent on the G.A.A. of Victoria to follow the procedure set out by Article 86 of its own Official Guide.

THE DECISION OF THE DISPUTE RESOLUTION AUTHORITY

It is the decision of this Tribunal of the Dispute Resolution Authority that the correspondence from the G.A.A. of Victoria, being the e-mail of the 4th November 2005 and the e-mail of the 7th November 2005 which included the Word document dated 2nd November 2005, failed to meet the requirements set out in the aforementioned Official Guide.

The most significant omission is that the Claimant was not informed that a disciplinary matter was to be adjudicated upon. For reasons which are not obvious, the Claimant was simply informed that the playing of what was described as the League Final was to be discussed and/or was “the main item on the agenda”. The Claimant was not informed that it was to be charged with the commission of any alleged offence.

In light of that omission, it is little surprise that the Claimant was not then also informed that it had five days to make written representations or to seek an oral hearing in relation to an alleged offence.

An offence was not identified, and it is the view of this Tribunal that the Claimant was not given adequate notice of the disciplinary matter which was to be addressed and not given adequate notice of its right to prepare submission, either written or oral, in respect of same.

As a result of the foregoing, it is the view of this Tribunal that the G.A.A. of Victoria did not adopt its appropriate procedure in seeking to adjudicate upon the aforementioned disciplinary matter and that the suspension imposed at the meeting on the 14th November 2005 is invalid.

It follows that it is the view of this Tribunal that the appeal brought by the Claimant to the Respondent ought to have been allowed. Accordingly, this Tribunal finds that the suspension imposed is invalid, and of no effect. Having come to this view in respect of the invalidity of the proceedings brought against the Claimant under Rule 86(A) of the Official Guide, the Tribunal does not need to consider the Claimant's submissions in respect of Rules 86(B) or 86(C).

As the Appeal is successful, this Tribunal awards the costs of same to the Claimant.

By way of additional observation, this Tribunal finds that it is appropriate to add that it does not consider that the success of this Appeal in itself constitutes any bar to the G.A.A. of Victoria revisiting or reconsidering the issue of the fixture played at Port

Melbourne, although obviously must do so pursuant to the provisions of the Official Guide. A decision as to whether the matter is to be reconsidered by the G.A.A. of Victoria is clearly one for it alone.

The Secretary to this Tribunal of the Dispute Resolution Authority is authorised to inform the Claimant and Respondent of this decision of the Tribunal by telephone.

Dated this 24th day of February 2006

FINBARR FOX S.C.

TONY TAAFFE

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Our Ref: FF/SK

Your Ref: LK/SC/DRA/2/2006

24th February 2006

Mr. Liam Keane,
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www.secretary@sportsdra.ie

**Re: *Wolfes Tones GAC –v- Gerard Roe and Gaelic Football & Hurling Association
Of Australasia.***

Dear Liam,

Please find enclosed Decision in the above matter. Should you wish to discuss anything further herein with me, please do not hesitate to contact me.

Many thanks for your instructions,

Yours sincerely,

FINBARR FOX, S.C.