

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

Player and Club	Thomas James (Wollongong Wolves FC)
Alleged offence	Offence No 4, R2 Violent Conduct
Date of offence	25 October 2025
Occasion of offence	Marconi Stallions FC and Wollongong Wolves FC
Date of Disciplinary Notice	28 October 2025
Basis the matter is before the Disciplinary Committee	A referral: see clause 12.34 of the Australian Championships Disciplinary Regulations
Date of Hearing	30 October 2025
Place of Hearing	Sydney NSW Australia
Date of Determination	30 October 2025 (oral pronouncement of determination) 31 October 2025 (written reasons for determination)
Disciplinary Committee Members	Anthony Lo Surdo SC (Chair) Ben Jones David Barrett

A. INTRODUCTION AND JURISDICTION

1. The Disciplinary and Ethics Committee of Football Australia (**Committee**) has jurisdiction under clause 4.6 of the Australian Championships Disciplinary Regulations applicable to the 2025 Season (**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 referral under clause 12.34 of the Disciplinary Regulations. In the case of a referral under clause 12.34, Football Australia (**FA**) in its sole and absolute discretion has formed the belief that a referee has made an Obvious Error and that a failure to remedy that error would be prejudicial to the interests or good image of football in Australia. That decision by the FA cannot be the subject to review by the Committee.
3. FA issued Thomas James (**Player**) with a Disciplinary Notice in accordance with clause 12.34(c) and (d) of the Disciplinary Regulations, dated 28 October 2025. The Notice

includes reasonable details of the alleged Offence, being categorised as Offence No.4 “*Assault on a Player (e.g. violent conduct when not challenging for the ball) or against any other person other than a Match Official, including an attempted assault*” (**Disciplinary Notice**). The Range of the Table of Offences describes the minimum sanctions as being “*1 additional match plus the Mandatory Match Suspension.*”

4. The function of the Committee in such circumstances is limited to determining whether the Offence detailed in the Disciplinary Notice has been committed by the Player and if so, the sanction to be imposed on the Player in accordance with the Regulations including the Range of the Table of Offences.

B. THE HEARING

5. The Committee heard the referral of the matter by AVL on the evening of 30 October 2025.
6. Disciplinary Counsel was Mr Anais d’Arville, of Counsel instructed by Mr Lorenzo Crepaldi and Mr Ben Young of FA. The Player was not formally legally represented. However, Mr Chris Sheppard, Solicitor appeared to assist the Player and as a support person. Mr d’Arville did not object to Mr Sheppard appearing in that capacity. It should be noted that Mr Sheppard did, at times, on the invitation of the Chair, make submissions on behalf of the Player. Also in attendance at the hearing was Ms Jessica Lees from FA in her capacity as the Administrator to the Committee.
7. Disciplinary Counsel relied upon the following material:
 - (a) Disciplinary Notice, dated 28 October 2025;
 - (b) Match Footage of the incident during the Wollongong Wolves FC vs. Marconi Stallions FC match on 25 October 2025;
 - (c) Statement of Jon Moss, Head of Referees at FA, dated 29 October 2025;
 - (d) Video Evidence of comparable incidents involving Aziz Behich, Lourdes Bosch, Storm Roux, and Christophe Gamel and communications from the Match Review Panel (**MRP**) advising those players of the outcome of its review of the respective incidents;
 - (e) Determination in the matter of Roy O’Donovan by the Disciplinary and Ethics Committee, dated 7 January 2016; and

- (f) The Player's disciplinary record.
8. The Player relied upon a document styled, "Submissions of the Player" which, in actuality, comprised a written and signed statement of the Player, dated 30 October 2025.
 9. The Committee was also assisted by the written submissions of each of the parties. Each was afforded an opportunity of addressing the Committee orally.
 10. At the conclusion of the hearing, the Committee verbally announced the result, being three (3) additional matches plus the Mandatory Match Suspension (**MMS**), four (4) matches in total. These are the reasons of the Committee in the "shortest form reasonably practicable" (see clause 23.3 of the Disciplinary Regulations).

C. FACTS

11. In or around the 37th minute of the Australian Championship Match, played on Saturday, 25 October 2025 between Wollongong Wolves FC and Marconi Stallions FC, the Player was competing with two Marconi players in the corner of the field. In the course of the tussle, the Player was shoved to the ground by Marconi Player #6 drawing a foul. So much is apparent from the screenshot below.



12. Marconi Player Mlinaric #4 then came and stood over the Player.



13. The video footage reveals that the Player, while still on the ground, appeared first to have made a motion to either throw the ball at or otherwise to release the ball into the custody of Marconi Player Mlinaric. Instead, and whilst keeping possession of the ball in his right hand, the Player's left arm and hand reaches out towards Marconi Player Mlinaric's genital area (see screenshot above).



14. The Player's left hand made forceful contact in a grabbing and squeezing motion with the genital area of Marconi Player Mlinaric (see screenshot above). Immediately after this conduct Marconi Player Mlinaric falls to the ground in obvious discomfort and holding his genitals. He did not require treatment and shortly thereafter resumed play.

15. The video footage discloses Marconi Player Mlinaric pleading with the Referee for appropriate action to be taken against the Player. The Referee responded with a caution (yellow card) which the FA has, in its absolute discretion, determined was an Obvious Error by the Referee.

D. Submissions

16. What follows is a summary of the parties' written and oral submissions. It does not necessarily encompass every contention put forward by the parties. To the extent that it omits any contentions, the Committee notes that it has carefully considered all the evidence and arguments submitted by the parties, even if there is no specific reference to those submissions in the following summary.

Summary of the submissions of Disciplinary Counsel

17. The alleged offence falls under **Offence 4** in the Table of Offences: *"Assault on a Player (e.g., violent conduct when not challenging for the ball) or against any other person other than a Match Official, including an attempted assault."*
18. The incident occurred in the 35th minute of the match:
- the Player was shoved to the ground by a Marconi Player #6;
 - while on the ground, the Player exchanged words with Marconi Player Mlinaric (this submission was withdrawn in the course of oral argument);
 - the Player shaped to throw the ball at Player Mlinaric but changed his mind;
 - instead, the Player grabbed Player Mlinaric's genitals with his left hand and squeezed; and
 - the ball was out of play at the time of the incident.
19. The Referee issued yellow cards to the Player and Player Mlinaric after consulting with the Assistant Referee.
20. The Player committed violent conduct as defined in Offence 4 of the Players Table of Offences.
21. The grabbing of Mr. Mlinaric's genitals was violent and occurred while the ball was out of play. It was not part of a challenge for the ball.
22. Jon Moss, FA's Head of Referees, confirmed in his statement that the Player's conduct constituted Offence 4.

23. The purpose of an appropriate sanction is to deter players from violating the rules, both individually and collectively.
24. The Player's actions were retributive. He retaliated for being shoved to the ground. Such behaviour is unacceptable in professional sports.
25. The minimum sanction for the offence is two matches (MMS plus one additional match), while the maximum sanction is 24 months.
26. Exceptional Circumstances do not apply in this case, so the sanction must fall within the prescribed range.
27. The Player has a history of disciplinary issues, including:
 - 2017: 1 red card (R6) – 3-match suspension (2 matches suspended).
 - 2017: 1 yellow card accumulation suspension – 1 match.
 - 2019: 4 yellow cards – no suspension.
 - 2020: 2 yellow cards, 1 red card (R2) – 13 match suspension.
 - 2021: 1 red card (R2) – 5-match suspension.
 - 2021: Physical/aggressive behaviour towards another person – 2-match suspension.
 - 2022: 2 yellow cards – no suspension.
 - 2023: 9 yellow cards – 3-match suspension for accumulation.
 - 2024: 2 yellow cards – no suspension.
28. Notable incidents:
 - December 2020: 13-match suspension for serious violent conduct, upheld on appeal; and
 - 2021: 5-match suspension for violent conduct and an additional 2-match suspension for assaulting a spectator.
29. The Player has a pattern of violent behaviour.
30. The following cases which, apart from Christophe Gamel (which was a decision of the Committee) were decisions of the MRP (which Disciplinary Counsel accepted do not bind the Committee), provide a guide to the appropriate sanction:
 - Aziz Behich: 2-match ban for stomping on an opponent's groin during play.

- Lourdes Bosch: 2-match ban for striking an opponent's head during an altercation.
 - Storm Roux: 3-match ban for elbowing an opponent after play was stopped.
 - Christophe Gamel: 6-match ban for putting hands around an opponent's neck after a match.
31. The Player's conduct is more serious than *Behich*, *Bosch*, and *Roux's* cases but less serious than *Gamel's*.
 32. The Player's actions were violent, intentional, and occurred outside of play. Having regard to the seriousness of the conduct and the Player's prior disciplinary history, the offence warrants a five-match suspension.

Summary of the submissions of the Player

33. The Player admits to physical contact with Marconi Player Mlinaric and pleads guilty to the offence of assault on a player.
34. He described the contact as reactive and momentary, occurring while he was on the ground after being fouled and intimidated by an opposing player.
35. The Player disputed certain characterisations in the FA's written submissions such as the claim that he exchanged words with Player Mlinaric (a submission which Disciplinary Counsel withdrew during the course of argument) or attempted to throw the ball at him.
36. He emphasised that the Referee had a clear view of the incident and issued a yellow card, which should be given significant weight in assessing the situation.
37. The Player stated that the incident occurred in the context where he was fouled twice and shoved to the ground with Player Mlinaric then standing over him in an intimidating manner. His reaction was instinctive and defensive and not intended to cause harm. The contact did not result in injury and Player Mlinaric continued the game without further escalation. After the match, the two players shook hands and resolved any animosity.
38. The Player expressed deep regret for the incident and its impact on his club and the sport. He highlighted the severe mental health challenges he has faced due to public scrutiny, including abusive messages, ridicule, emotional distress, and suicidal ideation. He has consulted a medical practitioner who has referred the Player to counselling. The Player requested the Committee to consider his remorse,

psychological struggles, and the punishment he has already endured from public backlash as mitigating factors.

39. He contended that his actions were less severe than those of *Behich*, *Bosch*, and *Roux* and that the minimum sanction of the MMS plus 1 match is appropriate.
40. The Player supplemented his written submissions orally, which submissions were consistent with those outlined in his statement.
41. During cross-examination, the Player:
 - accepted that he grabbed Player Mlinaric's genitals but did not twist them;
 - did not agree that grabbing Player Mlinaric's genitals was a violent act; instead, it was characterised as defensive in nature;
 - accepted that immediately prior to the incident Player Mlinaric was standing over him with both palms of his hands open;
 - disputed that Player Mlinaric acted in that manner as a defensive measure against his expectation that the Player would throw the ball at him; and
 - accepted that there were options open to him other than grabbing Player Mlinaric's genitals as a means of extricating himself but that he didn't think of those options in the heat of the moment.

E. CONSIDERATION AND FINDING

42. The Committee has addressed its jurisdiction under the heading "Introduction and Jurisdiction."
43. This matter comes before the Committee by way of referral under clause 12.34 of the Disciplinary Regulations. In the case of a referral under clause 12.34, FA has in its sole and absolute discretion formed the belief that a referee has made an Obvious Error and that a failure to remedy the Obvious Error would be prejudicial to the interests or good image of football in Australia. That decision by the FA is not and cannot be the subject of review by the Committee.
44. Pursuant to clause 4.6 of the Disciplinary Regulations, the Committee must determine a matter referred to and impose such sanctions as are authorised and appropriate to the determination.

45. The Committee is thus required to consider first, whether the Offence has been established and secondly, if so satisfied, to impose a sanction that is authorised and appropriate.

Has the Player committed the Offence?

46. Law 12 of the LOTG defines “Violent Conduct” as:

...when a player uses or attempts to use excessive force or brutality against an opponent when not challenging for the ball, or against a team-mate, team official, match official, spectator or any other person, regardless of whether contact is made.”

In addition, a player who, when not challenging for the ball, deliberately strikes an opponent or any other person on the head or face with the hand or arm, is guilty of violent conduct unless the force used was negligible.

47. As Law 12 of the LOTG makes clear, the degree of force required to constitute “violent conduct” may differ depending upon the sensitivity and susceptibility of the part of the body to which that force is applied. For example, any non-negligible contact with a player’s head, neck or throat can endanger the safety of that player, expose that player to unacceptable risk of harm and is punishable by a direct red card.
48. The Player has, to his credit, accepted that his actions comprise “Assault on a Player” it being the Offence the subject of the Disciplinary Notice. That admission is consistent with the video images which depict the Player making deliberate contact in a reaching and grabbing motion with the genitals and genital area of Marconi Player Mlinaric.
49. At the time of the incident the ball was not in play. The Referee had stopped play to award a free kick for a foul that had been committed on the Player. In fact, the Player was holding the ball on the ground. Therefore, the Player was clearly not challenging for the ball at the time of the Incident.
50. We are accordingly satisfied that the Offence has been established. We are fortified in our conclusion by the opinion expressed by Mr Moss, the Head of Referees at Football Australia in his statement that “...*the Player’s conduct constitutes a breach of Law 12 (Fouls and Misconduct) of the Laws of the Game 2025/26 because it is ‘violent conduct’.*”

What is the appropriate sanction?

51. The Player’s admission of guilt together with our objective assessment of the evidence more generally supports the establishment of the Offence. The Table of Offences prescribes a minimum sanction of one additional match over the MMS. The issue for the Committee is whether a sanction in excess of the minimum sanction is warranted.

52. Clause 14.2 of the Disciplinary Regulations provides that when “...*determining any appropriate sanction in accordance with the Range at the Table of Offences, a Judicial Body may consider:*
- (a) *the nature and severity of the Offence, including whether it was intentional, negligent or reckless;*
 - (b) *the Participant’s past disciplinary record and whether or not this is a repeated Offence;*
 - (c) *the remorse of the Participant; and*
 - (d) *any extenuating circumstances relevant to the commission of the Offence.”*
53. Consistent with the video evidence we find that the Player’s conduct was intentional. It was a clear and determined act of retribution for having been pushed to the ground moments before. The action was not, as the Player submits, instinctive or defensive. The Player appears, from the footage, to have sufficient time to make a choice between releasing the ball or keeping the ball and lashing out at Marconi Player Mlinaric. He had other options open to him such as rolling away. He made the wrong choice.
54. A male player’s genital area is particularly vulnerable and susceptible to injury because it lacks bony protection. There is simply no justification for any deliberate or intentional contact by a player with another player’s genitals or genital area. Apart from the obvious danger posed to an opponent from such conduct, it is unseemly, crude, vulgar and tasteless and has the potential to tarnish the reputation of the sport. So much is apparent from the adverse media attention that the incident has drawn and to which the Player has referred in his statement.
55. This is especially true in a competition such as the Australian Championships which is in its inaugural year. Players in this competition will be under increasing scrutiny by the media and their behaviour should reflect the heightened public nature of their engagements.
56. The Player has a less than commendable disciplinary history. He was suspended for 13 weeks in 2020 for serious violent conduct and again for 5 weeks in 2021 for violent conduct with an additional 2 weeks for assault on a spectator. Those serious offences occurred five and four years ago respectively and since that time the Player has not, apart from this incident, received a red card although he has had several yellow cards. All in all, the Player’s record is not favourable.

57. The Player has shown remorse for his actions. He expresses “*deep regret [for] the incident and its impact on the reputation of [his] club and the game.*”
58. He submitted that the Committee should take into consideration by way of mitigation of sanction the impact that adverse media reports of the incident has had on his emotional, psychological and mental health well-being and for which he is receiving professional support.
59. Whilst the Committee may, in an appropriate case, consider “Exceptional Circumstances” by way of mitigation, those on which the Player relies do not so qualify. “Exceptional Circumstances” are defined in the Disciplinary Regulations. The circumstances must be operating at the time of the commission of the offence “*and not to the impact that a sanction may have.*”
60. The impact of the adverse media publicity on the Player’s emotional, psychological and mental well-being is self-evidently not a circumstance operating at the time of the Offence. Rather, the circumstances are, according to the Player, said to be relevant to mitigating the impact of any sanction. They are, however, a regrettable consequence of the Player’s conduct played out in the public eye but not an Exceptional Circumstance that mitigates sanction.
61. We have been taken to prior decisions of the MRP in *Behich, Bosch, Roux* and of the Committee in *Gamel*. In the matter of *Steve Pandelidis, Gold Coast FC and FFA* (3 February 2011), the FFA Appeal Committee said the following (at [28]):
- There was no evidence before the Disciplinary Committee that would have enabled it to properly address the comparative severity of the conduct in those two cases and the conduct of the Appellant in the present. Even if there were, it is doubtful that any comparison of penalty would be a valid one. That is because the 2 match sanctions in each case were imposed by the Match Review Panel, and not by the Disciplinary Committee...as a result, in our view it would not be a valid logical or jurisprudential exercise for the Disciplinary Committee to use sanctions imposed by the Match Review Panel as “comparative verdicts” for the purposes of its own power to impose a sanction. In the course of argument it is apparent that this was the position of the chairman of the disciplinary committee and we respectfully agree with that position. (emphasis added)
62. The approach of the Appeal Panel in *Pantelidis* was endorsed by the Appeal Panel in the matter of *Roy O’Donovan* (25 January 2016).
63. The Committee is bound by the each of these determinations of the Appeal Panel. Accordingly, it has not taken into consideration the determinations of the MRP in *Behich, Bosch* and *Roux* as to do so would not be a valid or jurisprudential exercise for the purposes of its own power to impose a sanction.

64. Further, as stated by the Committee in *Cortes* (21 February 2023) and *Sasse* (19 October 2023), each case turns on its own merits and circumstances having regard to the factors prescribed by clause 14.2 of the Regulations. Comparing incidents alone without being cognisant of all of the circumstances that informed the Committee's reasoning process is of little assistance in achieving the objective of consistency in decision making. The facts in *Game/* were not at all analogous to those presently under consideration and accordingly provides little by way of comparison for the purposes of determining an appropriate sanction.
65. The assessment of the nature and severity of any given incident is one which can only be made having regard to all the evidence and submissions in each case, and there is necessarily an element of subjective evaluation involved which means that no purely objective, formulaic comparison is possible.
66. In the circumstances, the Committee considers that an appropriate sanction within the Range of the Table of Offences is 3 additional matches plus the MMS making a total of 4 matches. But for the Player's guilty plea and remorse the sanction would have been more extensive.

F. RESULT

67. The sanction is 3 additional matches plus the MMS.

G. APPEAL RIGHTS

68. 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 7 November 2025. 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 24.5 of the Disciplinary Regulations are 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

- (d) Ethics Committee, having regard to the evidence before the Disciplinary and Ethics Committee.

A handwritten signature in dark red ink, appearing to read 'A. Lo Surdo'.

Anthony Lo Surdo SC, Chair,
Disciplinary & Ethics Committee

31 October 2025