



SPORT | Issue No. 15 | *Football fans deserve a fair go*

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First it was Football Australia banning individuals from attending A league matches and now the fans themselves are imposing their own ban on attending A league matches.

In a recent article I talked about natural justice and how participants in sport are entitled to be heard before penalties are imposed upon them. Spectators, fans, call them what you will, do not however have the same rights as members of associations.

When we go to Suncorp or the Gabba to watch a game of sport, we buy a ticket. Often, for whatever reason, this purchase of a ticket also comes with the title of 'member'. If you buy a ticket to see the Reds at Suncorp, you become a Reds 'member'. The problem with this is however, that you don't actually become a member at all. This is just a fancy title to develop engagement with the spectators who buy tickets to the match. The organisation which is running the event, and in fact selling tickets to the event, is entitled to determine who can buy a ticket and who can enter the venue.

If that organisation has decided that due to your behaviour, attitude or frankly anything else that doesn't breach the anti-discrimination legislation, it doesn't have to allow you to buy a ticket, or, enter the premises.

Because the relationship is a contractual one – One of purchasing a ticket, the organisation is entitled to not enter into a contract with you. As noted earlier, the organisation cannot breach the anti-discrimination legislation, and can't refuse to sell you a ticket because of your age, gender, race, religion etc but provided it doesn't breach that, it can say that it is not prepared to sell you a ticket or allow you entry.

It doesn't have to give you any natural justice, it doesn't have to tell you what you're supposed to have done, and it doesn't have to give you the opportunity to be heard in your own defence in relation to those allegations. This is what the spectators are up in arms about. They believe

that devoted spectators are entitled to be heard in their own defence and claim that there are instances where people have been banned unfairly from watching matches involving their much loved teams.

After receiving considerable negative publicity including the sight of empty grandstands, the FFA clarified its position. This did not go down well with spectators. It is to be acknowledged that providing a safe environment for spectators is the responsibility of sporting codes and is very difficult.

The FFA has now indicated that it will review its supported ban policies in the wake of the controversy. Currently, the policy involves the immediate imposition of a ban and to overturn it, the spectator has to prove innocence but can't access CCTV footage or any other technology to assist in this process.

Presumably the review process will lead to some interim imposition of penalty with the opportunity for the aggrieved spectator to challenge the process in a fair and balanced way before the interim order is made final against him or her.

We are yet to see the new policy but one would hope that it reflects the fairness that we wish to see in all other aspects of the game. The FFA claim that there has always been an appeals process but it had not been formalised or communicated.

It is reported a meeting between the FFA and Club representatives will take place tonight.



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