



**GENERAL PURPOSES TRIBUNAL
OF FOOTBALL NEW SOUTH WALES
FINAL DETERMINATION
IN THE FOLLOWING MATTER:**

**GPT 16/16
[2016] FNSWGPT 16**

Date of Hearing	27 July 2016
Date of Final Determination	1 August 2016
Respondents	Mr Ivan PETKOVIC (First Respondent) Mr Steven BOZINOVSKI (Second Respondent)
Attendees & Witnesses	Mr Jarek Pacholski, Club Official Fraser Park FC, Mr Romain Machefer (Referee - by telephone) Mr Lorenzo Crepaldi, Legal Counsel FNSW
The basis upon which the matter is before the General Purposes Tribunal	Section 8.2 for alleged breaches of section 15.4(d) Schedule 3, Table B, Number 1 of the Football NSW Grievance and Disciplinary Regulations.
Key Words/Phrases	Using offensive, insulting or abusive language and/or gestures, Abuse directed at Match Official, Coach, Children present, non-competitive football.
General Purposes Tribunal Members	Mr David P. Lewis (Chair) Mr Louis Fayd'herbe Mr Mendo Cklamovski

A. INTRODUCTION

Football NSW has established the following Bodies pursuant to Section 5.1 of the Football NSW Grievance and Disciplinary Regulations (“Regulations”). This matter was determined pursuant to the 2016 Regulations:

The GPT may impose sanctions in accordance with Schedule 3 of the Regulations.

B. NOTICE OF CHARGE

FNSW issued a Notice of Charge to the **Respondents** on 14 July 2016.

The Charges related to an alleged incident after the completion of the U/12s Skill Acquisition Program (SAP) match between Fraser Park FC and Sydney Olympic FC on 16 April 2016 at Fraser Park NSW.

The Notice to the First Respondent specified the following charges:

Charge – First Respondent (Mr Ivan Petkovic)

At the completion of the abovementioned match the First Respondent, Mr Ivan PETKOVIC, told the Match Official (Romain Machefer) that he was “full of shit”. After being asked what he said, Mr Petkovic once again told Mr Machefer that he was “full of shit”.

Alleged breaches of Section 15.4(d) of the Football NSW Grievance and Disciplinary Regulations 2016, Schedule 3, Table B.

Charge – Second Respondent (Mr Steven Bozinovski)

At the completion of the abovementioned match the Second Respondent, Mr Steven BOZINOVSKI, said to the Match Official (Romain Machefer) “fuck you”.

Alleged breaches of Section 15.4(d) of the Football NSW Grievance and Disciplinary Regulations 2016, Schedule 3, Table B.

Football NSW Grievance and Disciplinary Regulations 2016

15.4 Misconduct

Misconduct shall mean any act or omission by a Member which:

(d) constitutes a breach of Football NSW Rules and regulations (including these regulations) unless a document contains a provision or provisions for dealing with any breach thereof;

Sub-section 15.4(f) is also relevant to the alleged behaviour:

(f) results in the failure to provide a safe environment for Participants or to maintain public order at a Match;

Alleged breaches of Section 7(g) of the FFA National Member Protection Policy may also have occurred:

(g) Verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;

Alleged breaches of Clauses 2.1, 2.2 (c), (e) and/or (f), 2.3 and/or 3.1 of the **FFA Code of Conduct** (effective from 1 January 2007) are also relevant to the Charge under Section 15.4(d) of the Football NSW Grievance and Disciplinary Regulations 2016.

2.1 A Member must not bring FFA or the game of football into Disrepute.

Without limiting the generality of clause 2.1, a Member will be taken as having brought football into Disrepute if any of the following occurs:

2.2(d) provocation or incitement of hatred or violence;

2.2(k) any other conduct, behaviour or statement that materially injures the reputation and goodwill of FFA or football generally.

The **Respondents** allegedly engaged in conduct that:

- *constituted a breach of the FNSW and FFA Rules and Regulations;*
- *was unsportsmanlike or unprofessional;*
- *was violent and intimidating; and*
- *brought or may have brought football and/or Football NSW into disrepute and/or damaged the reputation and goodwill of the game.*

Relevant Conduct

The relevant conduct alleged exhibited by the **First Respondent** was as follows:

At the conclusion of the match the First Respondent is alleged to have abused the Match Official twice by telling him that he was “full of shit”. It is alleged that the Respondent uttered these words in front of under 12 year old boys who were members of his team. The Respondent is the coach of the Sydney Olympic U12 team.

Subsequent to this incident, the parents of both teams exchanged angry words again in front of children from both teams.

The relevant conduct alleged exhibited by the **Second Respondent** was as follows:

At the conclusion of the match the Second Respondent is alleged to have abused the Match Official by saying to him “fuck you”. It is alleged that the Second Respondent uttered these words in front of under 12 year old boys who were members of his team. The Second Respondent is an assistant coach of the Sydney Olympic U12 team.

C. THE HEARING

The First Respondent produced a Notice of Response dated 21 July 2016 and entered the following pleas:

“I am pleading GUILTY to the Charge but I do not accept the report(s) attached to the Notice of Charge.”

Both Respondents represented themselves. They were both present at all times during the Hearing and both matters were heard together.

The Tribunal confirmed with the First Respondent that he had received and understood the Notice of Charge and had seen the relevant documents before the Tribunal. The Second Respondent stated that he had not seen any documents and had not received these from his Club or from Football NSW.

Legal Counsel from FNSW, Mr Lorenzo Crepaldi, noted that all relevant documents were sent to the Respondents’ Club however that emails sent to the Second Respondent’s registered email account on MyFootballClub “bounced” as that address was incorrect.

The Second Respondent was then offered a copy of all relevant documents and after reading he indicated that he would plead NOT GUILTY to the Charge.

The Tribunal cautioned those all attendance regarding conduct and evidence given at the Hearing in that they were obliged to provide accurate and honest testimony to the Tribunal and that any breach of that obligation could of itself be the subject of disciplinary action.

The Respondents were advised of relevant appeal rights under the Regulations.

The Tribunal invited submissions on its jurisdiction and competence. No submissions were made.

At the conclusion of the Chairman’s remarks Mr Jarek Pacholski was asked to leave the hearing room and wait to be called to give evidence.

D. BACKGROUND, SUBMISSIONS & EVIDENCE

The First Respondent was asked to identify the matters or reports with which he did not agree. He was unable to make any submission on this matter and simply put his version of events.

The First Respondent made verbal submissions admitting guilt on the Charge and did not resile from his plea in his Notice of Response. However, notwithstanding his plea he attempted to place blame on the Match Official for his alleged biased performance.

Referee Evidence – First Respondent

The referee, Mr Romain Machefer, gave evidence by telephone that the First Respondent abused him at the conclusion of the second match and that the First Respondent said that he was “full of shit”. He also noted that there was considerable verbal complaints from the Sydney Olympic bench and parents during both of the matches that he refereed.

It is relevant to note that whilst the First Respondent conceded that he used these words and that he expressed his remorse both in his Notice of Response and in evidence at the Hearing, when he was afforded an opportunity to ask a question of the Match Official through the Chair, the one question he attempted to ask was why the Match Official had refereed in such a biased manner.

The Chair of the Tribunal disallowed this question and rebuked the First Respondent for his failure to appreciate that this question demonstrated that he failed to appreciate that the performance of the Match Official was not an appropriate issue to review at the Tribunal and that his question amounted to another example of dissent and abuse of that Match Official.

Referee Evidence – Second Respondent

The Referee noted that another Sydney Olympic Official abused him by say “fuck you” to him after the conclusion of the Match.

The witness Mr Jarek Pacholski, Club Official Fraser Park FC gave evidence that he did not recognize the Second Respondent and that he was not the person who abused the Referee.

E. CONSIDERATION & DETERMINATIONS

This was an Under 12s non-competitive game on a beautiful Saturday in Sydney. The SAP is meant to be an enjoyable experience for all and the parents involved as officials are meant to be role models to the children. It is highly regrettable that an adult, who is both a parent and the coach with considerable experience and who is in a position of authority over young players did not display a more balanced approach under these circumstances.

It is significant to note that **the Skill Acquisition Program is non-competitive** in that there is no table, no finals and in effect no record of results.

Given the above, the First Respondent was asked why he then acted in a manner that was abusive towards a parent on the other side who was acting in a voluntary capacity as a referee. The First Respondent again apologized for his behavior and agreed that it was inappropriate.

The Tribunal once again restates the principles adopted in [2005] AUESFA 11 and applied by the Tribunal in many subsequent matters:

“It remains absolutely unacceptable for players or club officials to challenge decisions of a referee or intimidate him. There is no difference between any allegation of incapacity or simply the fact that a player/team did not like or agree with a decision of a match official. Players may not take matters into their own hands and club officials have a duty to ensure that the Code of Conduct is observed. The skills of the referee are irrelevant to this determination as are the skills of the players. It is the process that must be protected and the observance of the laws of the game. All players and team officials understand that match officials will, from time to time at all levels of the game, make decisions with which they disagree. Players too are not infallible and have been known to make errors.”

The Tribunal found the First Respondent Guilty under the Charge.

F. FINDINGS

The Tribunal finds the First Respondent GUILTY of the Charge.

The Tribunal finds the Second Respondent NOT GUILTY of the Charge.

G. SANCTIONS

The Tribunal imposed the following sanction on the First Respondent under Schedule 3, Table B, Number 1 -Offences by Participants Against Match Officials.

The First Respondent is suspended for **four (4) Fixtures for the offence under the Charge** from all Football related activities, including training/coaching or spectating. The minimum sanction is 3 Fixtures and as this incident took place in front of many children an additional match has been added to this suspension.

However, as the First Respondent pleaded GUILTY and exhibited clear remorse, **one (1) Fixture** is suspended and the First Respondent is to serve a suspension of **three (3) Fixtures**.

The Tribunal applied a similar albeit reduced sanction to that imposed in [2008] AUESFA 17. In that matter an Under 9 coach abused a parent acting in the role of Match Official at the end of that non-competitive match.

For the purposes of clarification, in accordance with section 14.6(e) of the Regulations: "A Participant must serve a Fixture Suspension in the same age-grade and Competition for which he or she received that Suspension and will not be eligible to participate in **any** Match/Fixture of any Competition until that Suspension is served in full."

The Tribunal determined that the First Respondent also pay the costs of the Tribunal processes as determined by FNSW.

Aggrieved parties to a determination of the FNSW General Purposes Tribunal may lodge an appeal to the FNSW Appeals Tribunal in accordance with articles 8.6 and 9.2 of the FNSW Grievance and Disciplinary Regulations. Any appeal must be submitted on the Notice of Appeal form (Prescribed Form 13) to tribunal@footballnsw.com.au with the relevant Application Fee (\$750) within seven (7) working days of the Final Determination of the GPT being sent to the Club.



David P. Lewis

Chairman

29 July 2016

The Schedule

Index of Documents

ANNEXURES

GPT 16-16 FNSW v Ivan Petkovic & Steven Bozinovski

ANNEXURE 1	Statement Ivan Petkovic dated 26 May 2016
ANNEXURE 2	Statement Steve Bozinovski dated 26 May 2016
ANNEXURE A	Witness Statement - Romain Machefer received on 18 April 2016
ANNEXURE B	Email - from Romain Machefer received on 21 April 2016
ANNEXURE C	Witness Statement - Jarek Pacholskijare (Pacholski) received on 17 April 2016
ANNEXURE D	Witness Statement - Constantine Dino Demetriou received on 21 April 2016