

## GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the  
FNSW Grievance and Disciplinary Regulations

### Proceeding Details:

<b>Tribunal reference</b>	MGPT 16-13
<b>Date of hearing</b>	5 May 2016
<b>Time of hearing</b>	6:30pm
<b>Venue of hearing</b>	FNSW Board Room
<b>Tribunal Member(s)</b>	Mendo CKLAMOVSKI
<b>Respondent</b>	Gwynne BERRY (FFA: 76804392)
<b>Fixture</b>	1 <sup>st</sup> Grade Women's NPL 1 Manly United v Sydney University SFC on 28 April 2016 at Lambert Park, Leichhardt.

*This Notice constitutes the General Purposes Tribunal's Determination resulting from the Tribunal hearing listed above.*

### Charge(s) and Determination(s):

<b>Charge(s)</b>	<b>Tribunal determination</b>
<p>1. The Respondent (Gwynne Berry) used offensive, insulting or abusive language and/or gestures towards or about a Match Official in breach of section 15.4(d), Schedule 3, Table B, Number 1 of the FNSW Grievance and Disciplinary Regulations (<b>Regulations</b>).</p>	<p>1. <u><i>Plea:</i></u> Not Guilty. <u><i>Finding:</i></u> Guilty</p> <p><u><i>Determination:</i></u> Five (5) match suspension (MMS + 4 Fixtures).</p> <p><u><i>Reasons:</i></u> <i>The GPT found there was sufficient evidence to show that the Respondent did leave his area and make his way towards the Assistant Referee in an angry manner using language and gestures that constituted offensive behavior.</i></p> <p><i>In making the decision, the GPT took into consideration that the Respondent had a previous suspension for the same charge.</i></p> <p><u><i>NB. The Fixture Suspension is to apply to Coaching on Match Days and sitting on the bench in accordance with s 14.6(h) and (i) of the Regulations, noting in particular, regulation 14.6(i)(iv) which prohibits a coach from engaging or attempting to engage a third party to relay coaching instructions. The respondent is free to attend matches as a Spectator and coach training sessions on non-match days.</i></u></p>

<p>2. The Respondent (Gwynne Berry) having been expelled from the Field of Play, had contact with a Match Official involved in the Match within one (1) hour after the conclusion of the Match in breach of Section 16.6(f) of the FNSW Grievance and Disciplinary Regulations (<b>Regulations</b>).</p>	<p>2. <u>Plea</u>: Not Guilty. <u>Finding</u>: Guilty.</p> <p><u>Determination</u>: One (1) match suspension.</p> <p><u>Reasons</u>: <i>The GPT, while acknowledging the close proximity of the team change rooms to the Referee room, found that the Respondent did in fact have contact with the Match Official when again questioning a decision. The Respondent should have avoided any contact upon leaving the area.</i></p> <p><u>The Respondent is to serve a total combined suspension of six (6) matches based on five for Charge 1 plus one for Charge 2.</u></p>
<p><b>Costs:</b></p> <p>The Tribunal determined that the costs of the Tribunal, as determined by FNSW, be met by the Respondent.</p>	

Aggrieved parties to a determination of the FNSW General Purposes Tribunal may lodge an appeal to the FNSW Appeals Tribunal in accordance with sections 8.8 and 9.2 of the FNSW Grievance and Disciplinary Regulations. Any appeal must be submitted by completing the online Notice of Appeal form (Prescribed Form 12 – available on the FNSW website or by clicking [here](#)) and lodging the relevant Application Fee (\$750) within 7 working days of this determination being issued.

**5 May 2016**  
Mendo Cklamovski  
Member  
**GENERAL PURPOSES TRIBUNAL**