

GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 16-20
Date of hearing	17 May 2016
Time of hearing	7:00pm
Venue of hearing	FNSW Board Room
Tribunal Member(s)	Tyrone Dutt
Respondent	Brian Brown (FFA: 75309443)
Fixture	First Grade NPL 1 Bonnyrigg White Eagles FC v Sydney United 58 FC on 08 May 2016 2016 at Sydney United Sports Centre, Edensor Park

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

Charge(s) and Determination(s):

Charge(s)	Tribunal determination
<p>1. The Respondent used offensive, insulting or abusive language and/or gestures towards a Match Official in breach of Schedule 3: Table B, Number 1 of the FNSW Grievance and Disciplinary Regulations (Regulations).</p>	<p>1. <u><i>Plea</i></u>: Guilty. <u><i>Finding</i></u>: Guilty <u><i>Determination</i></u>: Suspension of 3 fixtures (MMS + 2 Fixtures). <u><i>Reasons</i></u>: The Respondent has no notable history before the GPT or any other Tribunal convened by FNSW. The Tribunal is satisfied the Respondent has shown genuine remorse for his actions. The Tribunal takes into account the character reference provided by the Club and believes that the actions displayed by the Respondent was out of character. The Tribunal notes the contrition displayed by the Respondent and his actions in his letter to FNSW dated 16 May 2016. The Tribunal also notes the recommendation of FNSW advocate that this breach is deserving of a suspension on the lower end of the spectrum. The Tribunal notes that the Respondent has already served the MMS 1 fixture prior to appearing at the Tribunal and it is taken to count towards the determination of 3 fixtures.</p>

	<p>Whilst suspended the Respondent is allowed to attend training and spectate on game day. Whilst suspended the Respondent is <u>NOT allowed</u> to enter the field of play, the technical area, the surrounding areas or the club change rooms on game day.</p>
<p>2. The Respondent made contact with a Match Official/s within 1 hour after the Match after being expelled from the technical area during a match in breach of Schedule 3: Table C, Number 8 of the FNSW Grievance and Disciplinary Regulations (Regulations).</p>	<p>2. <i>Plea:</i> Guilty <i>Finding:</i> Guilty <i>Determination:</i> Suspension of 2 fixtures <i>Reasons:</i> The Tribunal relies on and repeats the reasons provided above. The Tribunal notes that the Respondent pleaded ignorance to his obligations under section 16.6(f) of the Regulations. The Tribunal takes into consideration and agrees with FNSW submission that the Regulations are taken to have been read and understood on participation however in these circumstances that a minimum suspension would be appropriate.</p> <p>The Respondent's suspensions are to be served concurrently pursuant to section 12.10(k) of the Regulations</p>
<p>Costs: 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.

18 May 2016
Tyrone Dutt
Member

GENERAL PURPOSES TRIBUNAL