

## GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the  
FNSW Grievance and Disciplinary Regulations

### Proceeding Details:

<b>Tribunal reference</b>	MGPT 16-67
<b>Date of hearing</b>	14 September 2016
<b>Time of hearing</b>	7:00 PM
<b>Venue of hearing</b>	FNSW
<b>Tribunal Member(s)</b>	Louis FAYD"HERBE
<b>Respondent</b>	Andrew PRENTICE (FFA: 54139324)
<b>Fixture</b>	National Premier League 3 (NPL3) under 20s match between Balmain Tigers FC and Sydney University SFC at Arlington Oval on 3 September 2016.

*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 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> Guilty <u><i>Finding:</i></u> Guilty <u><i>Determination:</i></u> Three (3) fixture suspension <u><i>Reasons:</i></u> <i>The GPT concluded that there was sufficient evidence to show that the Respondent when approached by the Referee began yelling over the top of the Referee preventing him from talking.</i> <i>The decision is based on the evidence from the Referee and his AR through submitted reports and confirmation when questioned by the Tribunal.</i> <i>The GPT sets a suspension of four (4) fixtures with a reduction of one (1) fixture in consideration of the Respondent's good record and guilty plea</i> <i>The Respondent is suspended for three (3) fixtures for the offence under Charge 1 and is to apply to all football related activities excluding spectating.</i></p>

<p>2. The Respondent used threatening or intimidating language or conduct towards a Match Official and is in breach of Section 15.4 (d), Schedule 3, Table B, Number 5; and /or</p> <p>The Respondent 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 Regulations.</p>	<p>2 <u>Plea:</u> Guilty. <u>Finding:</u> Guilty</p> <p><u>Determination:</u></p> <p>Three (3) fixture suspension</p> <p><u>Reasons:</u> <i>The Respondent admitted to pointing towards the direction where the foul was committed <b>BUT</b> strenuously denied that he was pointing at the Referee. He maintained this stance during the hearing and in his submissions. He was of the opinion that he was offended by the Referee telling him <b>“he was now making the game about himself, by preventing the game from continuing”</b>.</i></p> <p><i>It is however noted that there was differing evidence presented by the Referee and his AR on this matter. The AR stated that the Respondent <b>“turned away throwing his hands up in frustration”</b>.</i></p> <p><i>The GPT determined that the Respondent, based on his evidence and that of the Match Officials, did not use <b>“threatening or intimidating”</b> language and/ or gestures towards the Referee and is not guilty of the first part of the charge. The GPT did however find the Respondent guilty of the second part of the charge.</i></p> <p><i>The GPT sets a suspension of four (4) fixtures with a reduction of one (1) fixture in consideration of the Respondent’s good record and guilty plea.</i></p> <p><i>The Respondent is to serve a suspension of three (3) fixtures for the offence under Charge 2 and is to apply to all football related activities excluding spectating.</i></p>
<p>3. The Respondent 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 Regulations.</p>	<p>3 <u>Plea:</u> Not Guilty. <u>Finding:</u> Guilty</p> <p><u>Determination:</u></p> <p>Three (3) Fixture suspension</p> <p><u>Reasons:</u> <i>The Referee in his report stated as follows:</i></p> <p><b>“As he left (the Respondent) he told me to F**K Off, again throwing his hands in a similar dismissive gesture”</b>.</p> <p><i>His AR in his report stated:</i></p> <p><b>“The Coach then turned back to the referee and said “Fuck Off”</b>.</p>

	<p><i>Statements in support of the Coach submitted by witnesses were accepted <b>BUT</b> not considered as strong evidence when weighed against the answers provided by the Referee and his AR at the Tribunal.</i></p> <p><i>The Tribunal is of the opinion that swearing did occur and therefore suspends the Respondent for three (3) fixtures for the offence under Charge 3.</i></p> <p><i>It is noted that the Respondent has already served a one (1) fixture suspension which was confirmed by the Sydney University SFC Manager.</i></p> <p><i>As a result, the Respondent is suspended as follows:</i></p> <p><i>Charge 1 – three (3) fixtures</i></p> <p><i>Charge 2 – three (3) fixtures</i></p> <p><i>Charge 3 – three (3) fixtures</i></p> <p><i>Total Suspension = eight (8) fixtures (minus one (1) fixture already served)</i></p> <p><i><u>NB. The suspension is to apply to all football related activities excluding spectating.</u></i></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) and lodging the relevant Application Fee (\$750) within 7 working days of this determination being issued.

**19 September 2016**

Louis Fayd'herbe  
Member

**GENERAL PURPOSES TRIBUNAL**