



FOOTBALL  
NSW

## GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the  
FNSW Grievance and Disciplinary Regulations

### Proceeding Details:

|                           |   |
|---------------------------|---|
| <b>Tribunal reference</b> | MGPT 17-25  |
| <b>Date of hearing</b>    | 4 May 2017  |
| <b>Time of hearing</b>    | 6:30pm  |
| <b>Venue of hearing</b>   | Football NSW  |
| <b>Tribunal Member(s)</b> | Mendo CKLAMOVSKI  |
| <b>Respondent</b>         | Nahuel ARRARTE (FFA: 55969406)  |
| <b>Fixture</b>            | National Premier League 2 ( <b>NPL2</b> ) 1st grade match between Western Sydney Wanderers FC and St George FC on 22 April 2017 at Seymour Shaw Park. |

*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 (<b>Nahuel Arrarte</b>) used offensive, insulting or abusive language and/or gestures (isolated incident) in breach of section 16.4(d), Schedule 3, Table C, Offence Code 06-01 of the FNSW Grievance and Disciplinary Regulations 2017 (<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></p> <p><b>Two (2) Fixture suspension</b></p> <p><u><i>Reasons:</i></u> <i>The GPT was satisfied that there was sufficient evidence to show that the Respondent did use language that was directed at the opposition players and can be deemed abusive, insulting or abusive and aggressive in nature.</i></p> <p><i>The evidence supplied by the Match Official was strong and the GPT is satisfied that while the Respondent claims he didn't swear there was acknowledgement that he made aggressive comments towards the opposition players which is also supported by the Respondent's witness.</i></p> |

|  |   |
|--|---|
| <p>2. The Respondent failed to abide by or comply with a direction of a Match Official in breach of section of 16.4(d), Schedule 3, Table B, Offence Code 01-01 of the Regulations.</p>  | <p>2 <i>Plea:</i> Not Guilty. <i>Finding:</i> Guilty</p> <p><u><i>Determination:</i></u></p> <p><b>One (1) Fixture suspension</b></p> <p><u><i>Reasons:</i></u> <i>The GPT accepted the evidence supplied by the Match Officials that the Respondent did not leave the Field of Play when directed to do so. The video evidence provided supports this finding as it appears the Match Official has directed the Respondent to leave on three occasions before he makes his way off the field.</i></p>  |
| <p>3. The Respondent used offensive, insulting or abusive language and/or gestures towards or about a Match Official (repeated and/or excessive conduct) in breach of section 16.4(d), Schedule 3, Table B, Offence Code 05-01 of the Regulations.</p> | <p>3 <i>Plea:</i> Not Guilty. <i>Finding:</i> Guilty</p> <p><u><i>Determination.</i></u></p> <p><b>Five (5) Fixture suspension</b></p> <p><u><i>Reasons:</i></u> <i>The GPT determined that there was sufficient evidence, based on the strong account by the Match Official (Referee) and supported by the second Match Official's (Assistant Referee) written statement, that the Respondent did use language and/or gestures that were offensive, insulting or abusive. When questioned, the Referee was able to clearly recall the words used being in close proximity to the Respondent and having an unobstructed view.</i></p> <p><i>The GPT however could not be satisfied from the evidence provided that the Respondent had in fact sworn on a second occasion as this was not verified by the Referee, or by the witness who were in close proximity, and is denied by the Respondent.</i></p> <p><u><i>The GPT therefore determined that the Respondent is in fact guilty of Offence Code 04-01 (Schedule 3, Table B) – Use of offensive, insulting or abusive language and/or gestures (isolated incident).</i></u></p> <p><i>The GPT accepted that the Respondent's main concern when entering the Field of Play was the welfare of his player. However, upon reaching the player it appears, from the video evidence supplied, that the Respondent confronts the Match Official rather than assist the player.</i></p> |

|   |  |
|---|--|
|   | <p><i>The GPT also notes the Respondent had a Club Representative present and the club made assurances that they did attempt to investigate the matter when advised of the incident.</i></p> |
| <p><b>Serving of Suspension:</b></p> <p><u>The sanctions in Charges 1, 2 and 3 are to be served wholly concurrently such that the Respondent is required to serve a total suspension of <b>Five (5) Fixtures</b>.</u></p> <p><u>NB. The Respondent is to serve the suspension as a Team Official and in accordance with section 15.6 of the Regulations, in particular, sub-sections 15.6(h) and (i) which provide that, on the day of a Fixture, the Respondent must not:</u></p> <ul style="list-style-type: none"> <li>a. <u>enter the field of play (or court), its surrounds, the technical area, players race, dressing rooms or any other place within a stadium, venue, ground or Centre where players and/or officials are likely to assemble to prepare for a match;</u></li> <li>b. <u>be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials; and</u></li> <li>c. <u>in the case of coach, must not engage or attempt to engage a third party to relay coaching instructions.</u></li> </ul> |  |
| <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 9.6 and 10.2 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 2017**  
Mendo Cklamovski  
Member  
**GENERAL PURPOSES TRIBUNAL**