

GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 17-32
Date of hearing	25 May 2017
Time of hearing	6.30pm
Venue of hearing	Football NSW
Tribunal Member(s)	Mendo CKLAMOVSKI
Respondent	Stewart MONTGOMERY (FFA No: 75321703)
Fixture	National Premier League 2 (NPL2) under 20s match between St George FC and Mt Druitt Town Rangers FC on 7 May 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):

Charge(s)	Tribunal determination
<p>1. The Respondent (Stewart Montgomery) used offensive, insulting or abusive language and/or gestures (repeated and/or excessive conduct) in breach of section 16.4(d), Schedule 3, Table B, Offence Code 05-01 of the FNSW 2017 Grievance and Disciplinary Regulations (Regulations) or in the alternative disputed a decision of a Match Official or showed dissent in breach of section 16.4(d), Schedule 3, Table B, Offence Code 02-01 of the Regulations .</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>One (1) Fixture suspension</p> <p><u><i>Reasons</i></u>: <i>The GPT accepted the overwhelming evidence that outweighed the Match Official report in relation to the first charge being the use of "offensive, insulting or abusive language and/or gestures". Based on the nature of the conversation between the Respondent and the Referee it would be expected that any such language and/or gestures would have been heard by other witnesses close to the incident. This fact that several witness statements stated the opposite means the GPT is unable to come to a guilty verdict.</i></p> <p><i>In relation to the second part of the charge, the GPT finds that the Respondent is guilty of the charge of "disputing a decision of a Match Official or showing dissent". The Respondent himself acknowledged</i></p>

	<p><i>that calling the Match Official “a bloody idiot” did in fact breach the regulation. The evidence was supported by several witness statements.</i></p> <p><i>NB. The GPT considered section 13.18(v) of the Regulations in relation to the Referee’s report and subsequent answers given by the Referee at the hearing. However, the GPT was of the view that there was insufficient evidence to show a deliberate attempt to mislead the Tribunal.</i></p>
<p>Serving of Suspension:</p> <p><u><i>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:</i></u></p> <ul style="list-style-type: none"> <i>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></i> <i>b. <u>be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials; and</u></i> <i>c. <u>in the case of coach, must not engage or attempt to engage a third party to relay coaching instructions.</u></i> 	
<p>Costs:</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.

26 May 2017
Mendo Cklamovski
Member
GENERAL PURPOSES TRIBUNAL