

**PRELIMINARY NOTICE OF DETERMINATION.**  
19<sup>th</sup> July 2019

**Reference is made to the following Tribunal:**

<b>1. Date of the Tribunal</b>	<b>16th July 2019</b>
<b>2. Tribunal that heard the case</b>	<b>General Purpose Tribunal (GPT)</b>
<b>3. Tribunal reference number</b>	<b>GPT 19-13</b>
<b>4. Tribunal Members</b>	<b>David LEWIS (Chair), Marcelo VALERIO Robert IACONIS</b>
<b>5. Venue of Tribunal</b>	<b>FNSW Committee Room</b>
<b>6. Time of Tribunal</b>	<b>6.30pm</b>
<b>7. Parties</b>	<b>Mr Tony Sekulic</b>

**This document constitutes a Preliminary Notice of Determination resulting from the Tribunal listed above.**

Charges against the **Respondent** under Sections 9.2 and 16.4 of Football NSW Grievance and Disciplinary Regulations 2019 for alleged breaches of the Football NSW Regulations and the FFA Code of Conduct related to incidents during the National Premier League (NPL1) 1<sup>st</sup> Grade Match between Wollongong Wolves FC (the **Club**) and Sydney United 58 FC at WIN Stadium on 9 June 2019.

## Summation of the Tribunal:

### The Tribunal found that the evidence and submissions:

Supported the Charges brought against the Respondent.

## Charges and Pleadings:

### Charge 1

During the 1<sup>st</sup> Grade NPL match between Wollongong Wolves FC and Sydney United 58 FC on 9 June 2019 at WIN Stadium, Tony Sekulic, a coach with Sydney United 58 FC (**Respondent**) verbally abused the referee, Wollongong Wolves FC players and spectators.

The alleged statements included:

*“I’ll break your neck, I’ll break all your necks”;*

*“Take the fucking kid elsewhere”;*

*“Shut up, I will break your neck, I will break all your necks, fuck you”;* and

*“Pichkai Machina”* (translated from Croatian to *“fuck your mum”*).

### Pleadings

The Respondent pleaded NOT GUILTY to the Charge in his response to FNSW.

FNSW supplied a video of the relevant incidents at the Hearing.

Conflicting evidence was presented to the Tribunal with the Respondent denying that he used any of the words attributed to him in the Charge and his colleague Mr Michael Irga supporting his denial.

Contra Ms Mady Rogers gave strong evidence that the Respondent was yelling abuse for a considerable period of time, a claim that was corroborated by Mr Mark Wilkshire.

The video did not provide any audio evidence nor did it focus upon the Respondent for long enough to substantiate either version of the events.

It did however show the Respondent rising out of his seat and standing in what he conceded was anger towards the referee for his decision not to issue a Yellow Card to a Wollongong Wolves player. The Respondent's claim that he called out to the referee using gentle and polite words was not accepted by the Tribunal as a credible claim.

The Respondent later admitted that he was openly and verbally exhibiting dissent towards the referee in the presence of players from the U20s team of which he is the coach.

The Respondent claimed that such an event had never happened before and that he has never abused a Match Official or swore from the sidelines.

FNSW presented evidence that in June 2013 and May 2014 the Respondent was found guilty of exactly this offence. He received a warning in 2013 and a 4-match suspension in 2014.

The Respondent's claim that he had never behaved in such a manner was clearly an attempt to mislead the Tribunal.

## **Determination of the Tribunal**

The Tribunal found the Respondent GUILTY of Charge 1 albeit for a lesser offence under Schedule 3, Table C, Offence Code 07-01, *"Use offensive, insulting or abusive language and/or gestures (repeated and/or excessive conduct)"*.

## **Sanctions Imposed**

In relation to the Charge, the Respondent was suspended for **six (6) Fixtures**.

The Respondent is to serve the Fixture suspension in accordance with section 15.6, in particular, sub-sections 15.6(j), but the Tribunal has, under sub-section 15.6(h), determined that the Fixture suspension will also extend to Spectating such that the Respondent is not entitled to attend any Fixtures that his club is participating in during the Fixture suspension.

For clarity, the Respondent is not entitled to attend any Fixtures that his club is participating in during the Fixture suspension nor is he permitted to train or coach within his club during the suspension.

This Suspension will commence today 19 July 2019.

<b>Fines Imposed</b>	NIL.
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<b>Bonds Imposed</b>	Nil.
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**Additional Matters and Fees as per the Notice of Costs:**

The Respondent is to pay the costs of the Tribunal process as assessed by Football NSW.

A full written Determination will not be produced.

**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 of the FNSW Grievance and Disciplinary Regulations. Any appeal must be submitted on the Notice of Appeal form (Prescribed Form 12) to [tribunal@footballnsw.com.au](mailto:tribunal@footballnsw.com.au) with the relevant Application Fee within 7 working days of the Preliminary Determination of the GPT (or the Final Determination, where the GPT has indicated one will be issued) being sent to the Respondent.**



**David P. Lewis  
Chairman  
GENERAL PURPOSES TRIBUNAL**