

PRELIMINARY NOTICE OF DETERMINATION.

Reference is made to the following Tribunal:

1. Date of the Tribunal	15th June 2017
2. Tribunal that heard the case	General Purpose Tribunal (GPT)
3. Tribunal reference number	17/05
4. Tribunal Members	Marcelo Valerio (Co-Vice Chair) Alex Brown Mendo CKLAMOVSKI
5. Venue of Tribunal	FNSW Committee Room
6. Time of Tribunal	6.30pm
7. Respondent	Aleksander Jovovic

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

Charges against the Respondent under section 9.2 and 16.4 of Football NSW Regulations (Regulations) for alleged breaches by the Respondent of sections 16.4(d) of the Football NSW Grievance and Disciplinary Regulations related to incidents during the National Premier League 3 (NPL3) 1st grade match between St George City FA and SD Raiders FC at Fraser Park on 18 March 2017.

Summation of the Tribunal:

The Tribunal found that the evidence and admissions:
Did not support the Charge brought against the Respondent.

Determination of the Tribunal:

The Respondent pleaded NOT GUILTY to the Charge.
The Tribunal found the Respondent NOT GUILTY of the Charge.

Sanctions Imposed

The Tribunal heard evidence from both SD players, Damien Smith and Mirza Sehic. The evidence of both these players when examined in conjunction was conflicting to such a level that the panel had very serious concerns in relation to the truthfulness of the evidence presented by both these witnesses.

The most concerning example of this lack of consistency in the evidence of both these witnesses is that Mr Smith, who gave evidence first, stated that he heard the threat allegedly said by Mr Jovovic. Mr Sehic then gave evidence that the threat was made by Mr Jovovic in the Serbian language. There was no mention of this threat being in any language other than English by Mr Smith, who presumably does not understand the Serbian language. There was nothing in any of the written evidence tendered in relation to this charge that mentioned anything about the threat being in any language other than English.

Furthermore, the lack of further corroborating evidence from anybody else of a threat that was allegedly made in the middle of a melee was also a cause of concern for the Tribunal. Accordingly, the charge against Mr Jovovic is also dismissed.

Fines Imposed

Nil.

Bonds Imposed	Nil.
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Additional Matters and Fees as per the Notice of Costs:

The Respondent is not required to pay the costs of the Tribunal.

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 with the relevant Application Fee within 7 days of the Final Determination of the GPT being sent to the Respondent.

Sincerely,

Marcelo Valerio
Co-Vice Chair
GENERAL PURPOSES TRIBUNAL