

GPT NOTICE OF DETERMINATION.

Proceeding under section 9.2 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 18-04
Date of hearing	20 March 2018
Time of hearing	6:30pm
Venue of hearing	FNSW
Tribunal Member(s)	Mendo CKLAMOVSKI
Respondent	Andreas KLAUS (FFA No: 77091114)
Fixture	National Premier League Youth (NPL Youth) U14s trial match between Bonnyrigg White Eagles FC and Manly United FC on 4 March 2018 at Cromer 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 (Andreas Klaus) used offensive, insulting or abusive language and/or gestures towards a Match Official in breach of section 16.4(d), Schedule 3, Table B, Offence Code 04-01 of the FNSW Grievance and Disciplinary Regulations 2018 (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>While accepting the Match Official's evidence in line with Section 13.6(d) of the Regulations, the GPT found that there was insufficient compelling evidence overall, after hearing evidence from different witnesses, to find the Respondent guilty of the charge of "using offensive, insulting and abusive language".</i></p> <p><i>The GPT did however find that there was sufficient evidence, and an acknowledgement from the Respondent, that he did show dissent in relation to a decision of the Match Official.</i></p> <p><i>The GPT therefore finds the Respondent guilty, pursuant to Section 13.11(f) of the Regulations, of section 16.4(d), Schedule 3, Table B, Offence Code 02-01: "Disputing a decision of a Match Official or dissent".</i></p>

	<p><i>The Respondent is to serve a one (1) fixture suspension which is the minimum sanction for this offence.</i></p>
<p><u>Serving of Suspension:</u></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"> a. <u><i>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;</i></u> b. <u><i>be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials; and</i></u> c. <u><i>in the case of coach, must not provide or attempt to provide coaching instructions and engage or attempt to engage a third party to relay coaching instructions.</i></u> 	
<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 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.

22 March 2018
Mendo Cklamovski
Member
GENERAL PURPOSES TRIBUNAL