

## GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the  
FNSW Grievance and Disciplinary Regulations

### Proceeding Details:

<b>Tribunal reference</b>	MGPT 18-101
<b>Date of hearing</b>	5 December 2018
<b>Time of hearing</b>	6.00 p.m.
<b>Venue of hearing</b>	FNSW
<b>Tribunal Member(s)</b>	Louis FAYD'HERBE
<b>Respondent</b>	Robert VARELA (FFA No: 76079649)
<b>Fixture</b>	Futsal Premier League ( <b>FPL</b> ) Open Men's match between Dural Warriors and Enfield All Stars on 24 November 2018 at The Centre, Dural.

***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. Robert Varela (the <b>Participant</b>) is charged with "disputing a decision of a match official or dissent" and is in breach of Section 16.4 (d), Schedule 3, Table B, Offence Code 02-02 of the FNSW Grievance and Disciplinary Regulations (<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>: Two (2) fixtures suspension (MMS + 1 Fixture).</p> <p><u><i>Reasons</i></u>: The GPT concluded that there was sufficient evidence to show that the Participant approached the Match Officials after the match in the centre of the court and began shouting aggressively towards the referees saying, "<b>that was fucking disgraceful</b>".</p> <p>This decision is made on the evidence from the Match Officials through the submitted reports and confirmation of same during the hearing.</p> <p>The Tribunal understands that the Participant was suspended for a similar offence in October 2018.</p> <p>The Participant is therefore suspended for two (2) Fixtures (MMS+1) for the offence under Charge 1 from all Football related activities including coaching and spectating.</p> <p>The Participant at the summation indicated that he has already been stood down by his Club for two</p>

	<p>fixtures. Those two fixtures are to count towards the serving of his suspension on this charge, subject to the Participant's Club providing evidence to FNSW's satisfaction that he was stood down.</p>
<p>2. The Participant used offensive, insulting or abusive language and/or gestures towards or about 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 (<b>Regulations</b>).</p>	<p>2. <u>Plea</u>: Not Guilty. <u>Finding</u>: Guilty.</p> <p><u>Determination</u>: 4 Fixtures ( MMS +3 fixtures)</p> <p><u>Reasons</u>: The GPT was unable to find in favour of the Participant. Reports submitted by the Match officials were further substantiated at the hearing.</p> <p>The Participant is suspended for four (4) fixtures (MMS+3) for the offence under Charge 2.</p>
<p><b><u>Serving of Suspension</u></b></p> <p><i>The Participant is therefore required to serve a total suspension of <b>Six (6) Fixtures</b>.</i></p> <p><i>NB. The Respondent is to serve the suspension as an Official and in accordance with section 15.6 of the Regulations, in particular, sub-sections 15.6(i) and (j) which provide that, on the day of a Fixture, the Respondent must not:</i></p> <ul style="list-style-type: none"> <li><i>a. 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></li> <li><i>b. be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials; and in the case of coach, must not engage or attempt to engage a third party to relay coaching instructions.</i></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 Participant.</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.



**Louis Fayd'herbe**  
**MEMBER**  
**GENERAL PURPOSES TRIBUNAL**