



FOOTBALL
NSW

GPT NOTICE OF DETERMINATION

Proceeding under section 9.2 of the
Football NSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 17-143
Date of hearing	18 December 2017
Time of hearing	6:30pm
Venue of hearing	Football NSW
Tribunal Member(s)	Mendo CKLAMOVSKI
Respondent	Tiana GAUCI (FFA No. 54157607)
Fixture	Futsal Premier League (FPL) U15 Girl's match between Campbelltown City Quake and Mountain Majik Futsal Club on 9 December 2017 at Minto Indoor Sports Centre.

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. Tiana Gauci (the Respondent) used offensive, insulting or abusive language and/or gestures (isolated incident) in breach of section 16.4(d), Schedule 3, Table C, Offence Code 06-01 of the Football NSW Grievance and Disciplinary Regulations 2017 (Regulations).</p>	<p>1. <u>Plea</u>: Guilty. <u>Finding</u>: Guilty</p> <p><u>Determination</u>:</p> <p>Two (2) Fixture Suspension</p> <p><u>Reasons</u>: <i>The Respondent informed the GPT that she was pleading "Not Guilty" as the Notice of Charge referred to "using offensive, insulting and abusive language and/or gestures at or towards the Match Official". Football NSW informed the GPT that the last portion of the description of the offence was not correct as it did not relate to Match Officials. The GPT explained to the Respondent that the section of the Regulations described in the Notice of Charge as allegedly breached, specifically, "Schedule 3, Table C, Offence Code 06-01", was correct and did in fact still apply to the offence. In addition, the GPT explained to the Respondent the conduct alleged in the Notice of Charge was in relation to the Respondent using insulting language towards a Team Official from Campbelltown City Quake, not a Match Official. The GPT did note that even if the</i></p>

charge could not be proven, pursuant to section 13.11(f) of the Regulations, the GPT has the discretion to apply a different charge if it is of the view that charge could be proven to the required standard. The GPT informed the Respondent that applying section 13.11(f) of the Regulations would not be necessary in this case as it is evident from the conduct alleged and the section of the Regulations described as allegedly breached in the Notice of Charge related to the Respondent using insulting language towards a Team Official from Campbelltown City Quake, not a Match Official.

The Respondent accepted the explanation of the GPT and changed her plea to guilty.

Given that the Respondent was pleading guilty, and there was corroborating evidence of the Respondent committing the offence, the Respondent agreed that there was no need to cross-examine the Match Officials.

After the Respondent gave an account of the events of the day, the Respondent was given an opportunity to make a submission on sanctions. The Respondent understood that there was a minimum sanction applicable for this offence but submitted that the GPT should apply its discretion to suspend part of the sanction for a twelve month "good behavior" period pursuant to section 13.12 of the Regulations.

In making its final decision on sanction, the GPT decided that given the Respondent has previously been sanctioned on more than one occasion, a sanction of four (4) Fixtures should apply. However, the GPT decided to give a two (2) Fixture reduction due to the Respondent's guilty plea, ownership of the comments made and apology given to the Match Officials by the Respondent on the day of the match.

Given the substantial reduction given by the GPT, the lack of strong extenuating circumstances and higher expectation on coaches, the GPT decided that a suspended sanction would not be appropriate in this case.

The Respondent is therefore required to miss two (2) Fixtures less the one (1) Fixture she has already stood down.

The Respondent is therefore required to serve a total suspension of **Two (2) Fixtures**.

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 (j) which provide that, on the day of a Fixture, the Respondent must not:

- 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;
- b. be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials; and
- c. in the case of coach, must not engage or attempt to engage a third party to relay coaching instructions.

Costs:

The Tribunal determined that the costs of the Tribunal, as determined by FNSW, be met by the Respondent.

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.

19 December 2017

Mendo Cklamovski
Member

GENERAL PURPOSES TRIBUNAL