



FOOTBALL
NSW

GPT NOTICE OF DETERMINATION.

Proceeding under section 9.2 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 17-67
Date of hearing	25 July 2017
Time of hearing	7:00pm
Venue of hearing	FNSW
Tribunal Member(s)	Mendo CKLAMOVSKI
Respondent	Simon LUCAS (FFA: 72649122)
Fixture	Women's State League (WSL) Reserve Grade match between Mt Druitt Town Rangers and St George FC on 18 June 2017 at Popondetta 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. Simon Lucas (the Respondent) used offensive, insulting or abusive language and/or gestures (repeated and/or excessive conduct) at or towards a Match Official in breach of section 16.4(d), Schedule 3, Table B, Offence Code 05-01 of the FNSW Grievance and Disciplinary Regulations 2017 (Regulations).</p>	<p>1. <u><i>Plea</i></u>: Not Guilty. <u><i>Finding</i></u>: Not Guilty</p> <p><u><i>Determination</i></u>:</p> <p>No sanction</p> <p><u><i>Reasons</i></u>: <i>The GPT found that there was a lack of corroborating evidence to find that the Respondent committed the offence. The video evidence was supported by a number of witness statements that showed the Respondent did not use any language or gestures that could be considered as offensive, insulting or abusive. Therefore, the GPT found that the evidence did not support the charge brought against the Respondent.</i></p>

<p>2. The Respondent failed to abide by or comply with a direction of a Match Official in breach of Section 16.4(d), Schedule 3, Table B, Offence Code 01-01 of the Regulations.</p>	<p>2. <u>Plea</u>: Not Guilty. <u>Finding</u>: Not Guilty</p> <p><u>Determination</u>:</p> <p>No sanction</p> <p><u>Reasons</u>: <i>The GPT found that the video evidence clearly showed that the Respondent did in fact leave the Field of Play, without hesitation, once directed by the Match Official who accompanied him to the exit. The GPT notes that the Match Official had initially intended to give a warning and ended up sending the Respondent from the field as she had felt uncomfortable.</i></p>
<p>3. The Respondent used offensive, insulting or abusive language and/or gestures (isolated incident) towards a Match Official in breach of Section 16.4(d), Schedule 3, Table B, Offence Code 04-01 of the Regulations.</p>	<p>3. <u>Plea</u>: Not Guilty. <u>Finding</u>: Not Guilty</p> <p><u>Determination</u>:</p> <p>No sanction</p> <p><u>Reasons</u>: <i>The GPT determined that based on the evidence supplied, that it could not be satisfied that the Respondent used language towards the Match Official as charged. The Match Official stated that the Respondent had turned back and yelled comments which were not aligned with her written statement. The video evidence did not support the charge as no yelling or turning back could be observed. All witness statements supported the Respondent's statement that he did not swear at the Match Official. The GPT notes the lack of reaction from the Assistant Referee (on the video) who was situated close to the incident and the fact that he did not supply an incident report.</i></p>
<p>4. The Respondent failed to provide identifying details when reasonably requested to do so by a Match Official in breach of Section 16.4(d), Schedule 3, Table C, Offence Code 05-01 of the Regulations</p>	<p>4. <u>Plea</u>: Not Guilty. <u>Finding</u>: Not Guilty</p> <p><u>Determination</u>:</p> <p>No sanction</p> <p><u>Reasons</u>: <i>The GPT found that there was a lack of corroborating evidence to find that the Respondent committed the offence. There are no witnesses that observed the conversation. The GPT accepts that the Respondent did introduce himself to the Match Officials as noted by the Assistant Referee in the Match Official's statement plus the fact that the Respondent's name would have appeared on the</i></p>

	<i>team sheet. The GPT therefore found that the evidence did not support the charge brought against the Respondent.</i>
Costs: The Tribunal determined that the costs of the Tribunal be met by FNSW.	

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.

14 August 2017
Mendo Cklamovski
Member
GENERAL PURPOSES TRIBUNAL