



FOOTBALL
NSW

GPT NOTICE OF DETERMINATION.

Proceeding under section 9.2 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 17-79
Date of hearing	27 July 2017
Time of hearing	6.30 pm
Venue of hearing	Football NSW
Tribunal Member(s)	Louis FAYD'HERBE
Respondent	Ben CAHN (FFA: 75007468)
Fixture	National Premier League 2 (NPL2) 1st grade match between Central Coast Mariners FC and St George FC on 2 July 2017 at Seymour Shaw 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. Ben Cahn (the Respondent) used offensive, insulting or abusive language and/or gestures (isolated incident) at or towards a Match Official in breach of Section 16.4(d), Schedule 3, Table B, Offence Code 04-01 of the Football NSW Grievance and Disciplinary Regulations (Regulations).</p>	<p>1. <u><i>Plea: Not Guilty Finding: Guilty</i></u></p> <p><u><i>Determination:</i></u></p> <p><i>One (1) Fixture suspension</i></p> <p><u><i>Reasons:</i></u> <i>The GPT was of the view that the required standard to prove this charge had not been proven as there was not enough evidence to support that the Respondent said, "you're a fucking disgrace" towards the Match Official.</i></p> <p><i>However, through the Respondent's own admission and evidence submitted as part of his Notice of Response, the Respondent admitted to using the words, "this is a disgrace".</i></p> <p><i>The Respondent through his evidence submitted that he did not say those words towards the Match Official. The GPT was of the view, based on the evidence before it, that those words were said towards the Match Official in frustration at the situation and at the behavior of the Match Official for refusing to provide an explanation with respect to injury time added to the match.</i></p>

	<p><i>As such, pursuant to 13.11(f) of the Regulations, the GPT was of the view that the evidence before it proved another charge being the Respondent used language or gestures in frustration at or towards the Match Official in breach of Section 16.4(d) of the Regulations, Schedule 3, Table 3, Offence Code 03-01: "Using language or gestures in frustration".</i></p> <p><i>Therefore, the Respondent is suspended for one (1) Fixture.</i></p>
<p>2. The Respondent failed to provide identifying details of an individual when reasonably required to do so by a Match Official or Football NSW employee or representative in breached Section 16.4(d), Schedule 3, Table C, Offence Code 05-01 of the Regulations.</p>	<p>2. <u>Plea:</u> Not Guilty <u>Finding:</u> Guilty</p> <p><u>Determination:</u></p> <p>Two (2) Fixtures suspension</p> <p><u>Reasons:</u> <i>The Respondent pleaded not guilty to the charge and provided a statement as well as oral evidence explaining the circumstances surrounding the incident.</i></p> <p><i>After considering the evidence, the GPT found on the balance of probabilities that there was sufficient evidence to show that the Respondent failed to comply with the direction of the Match Official to provide identifying details.</i></p>
<p>Serving of Suspension:</p> <p><u>The sanctions in Charges 1 and 2 are to be served consecutively such that the Respondent is required to serve a total suspension of Three (3) Fixtures.</u></p> <p><u>NB. The Respondent is to serve the suspension as a Coach 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:</u></p> <ul style="list-style-type: none"> a. <u>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; and</u> b. <u>be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials.</u> c. <u>In the case of a coach, must not engage or attempt to engage a third party to relay coaching instructions.</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.

A handwritten signature in black ink, appearing to read 'Louis Fayd'herbe', written in a cursive style.

31 July 2017

Louis Fayd'herbe

Member

GENERAL PURPOSES TRIBUNAL