

GPT NOTICE OF DETERMINATION.

Proceeding under section 9.2 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 17-92
Date of hearing	9 August 2017
Time of hearing	6:30pm
Venue of hearing	FNSW
Tribunal Member(s)	Mendo CKLAMOVSKI
Respondent	Brian VELLA (FFA: 54285754)
Fixture	Men's State League (MSL) U18s and U20s matches between Prospect United and Western Condors on 22 July 2017 at William Lawson 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. Brian Vella (the Respondent) used offensive, insulting or abusive language and/or gestures towards or at 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 2017 (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>Five (5) Fixture Suspension</p> <p><u><i>Reasons:</i></u> <i>The GPT found there was sufficient evidence, and a partial acknowledgement from the Respondent, that he did swear in relation to a decision of the Match Official. All three Match Officials supported this finding both in their written statements and/or verbal statements.</i></p>
<p>2. The Respondent entered the Field of Play without authorisation in breach of Section 16.4(d), Schedule 3, Table C, Offence Code 01-01 of the Regulations.</p>	<p>2. <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 the evidence showed there was reasonable doubt in the mind of the Respondent that he had been sent off when he had</i></p>

	<p><i>appeared on the bench in the second half of the U18s match and also during the U20s match.</i></p> <p><i>The U20s Referee acknowledged that he had not removed the Respondent at the start of the match despite being informed of his send-off.</i></p>
<p>3. The Respondent disputed the decision of a Match Official or showed dissent in breach of Section 16.4(d), Schedule 3, Table B, Offence Code 02-01 of the Regulations.</p>	<p>3. <u>Plea:</u> Not Guilty. <u>Finding:</u> Guilty</p> <p><u>Determination:</u></p> <p>One (1) Fixture Suspension</p> <p><u>Reasons:</u> <i>The GPT accepted the evidence provided from the Match Official together with a self-admission from the Respondent who pleaded guilty to the offence upon clarification of the offence.</i></p>
<p>4. The Respondent used offensive, insulting or abusive language and/or gestures towards or at a Match Official in breach of section 16.4(d), Schedule 3, Table B, Offence Code 04-01 of the Regulations.</p>	<p>4. <u>Plea:</u> Not Guilty. <u>Finding:</u> Guilty</p> <p><u>Determination:</u></p> <p>Five (5) Fixture Suspension</p> <p><u>Reasons:</u> <i>The GPT found there was sufficient evidence to show that the offence did in fact occur. While it is acknowledged that the comment may have been made to the Respondent's player, it was clear that the comment was in relation to the Match Official's decision(s).</i></p>
<p><u>The sanctions in Charges 1, 3 and 4 are to be served partially concurrently based on the fact that all the charges relate to the same match day and that there was an apparent misunderstanding/inaction by the Match Officials. The Respondent is therefore required to serve a total suspension of Six (6) Fixtures.</u></p> <p><u>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(h) and (i) 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;</u> b. <u>be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials; and</u> c. <u>in the case of coach, must not engage or attempt to engage a third party to relay coaching instructions.</u> 	

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.

10 August 2017

Mendo Cklamovski

Member

GENERAL PURPOSES TRIBUNAL