

GPT NOTICE OF DETERMINATION.

Proceeding under section 9.2 of the
FNSW Grievance and Disciplinary Regulations



Proceeding Details:

Tribunal reference	MGPT 17-93
Date of hearing	1 August 2017
Time of hearing	6.30 PM
Venue of hearing	Football NSW Headquarters
Tribunal Member(s)	Louis FAYD'HERBE
Respondent	Ray Mandic (FFA No. 78443736)
Fixture	National Premier League Youth (NPL Youth) U16s match between Bonnyrigg White Eagles and Central Coast Mariners on 22 July 2017.

This Notice constitutes the General Purposes Tribunal's Determination resulting from the Tribunal hearing listed above.

Charge(s) and Determination:

Charge(s)	Tribunal determination
<p>1. Ray Mandic (the Respondent) disputed a decision of the match official or showed dissent in breach of Section 16.4(d) Schedule 3, Table B, Offence Code 02-01 of the Football NSW Grievance and Disciplinary Regulations (Regulations).</p>	<p>1. <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 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 and the Respondent's own admission, the GPT found on the balance of probabilities that there was sufficient evidence to show that the Respondent did question the referee's decision not to award a foul.</i></p>
<p>2. 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 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 Referee in his report stated that "In the 69th minute of play, I was left with no choice but to eject the bonnyrigg coach from the</i></p>

	<p><i>technical area when he looked at me after a free kick was blown and mouthed “fuck off you dirty cunt”.</i></p> <p><i>The Respondent through his evidence (video and audio) submitted that he did not say those words towards the Match Official. The GPT found the evidence presented by the Respondent was sufficient to find the Respondent not guilty of the Charge.</i></p>
<p>3. 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>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 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.</i></p>
<p>4. The Respondent showed unsportsmanlike or unprofessional behaviour towards a Match Official in breach of Section 16.4(d) Schedule 3, Table C, Offence Code 03-01 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 referee in his report quoted the Respondent saying “I’m just going to stand over here and swear at you even more”. The Respondent through his evidence submitted that he did not say those words towards the Match Official.</i></p> <p><i>The GPT was of the view, based on the evidence before it, that words were said but was inconclusive. The Assistant Referee who was in close proximity was unable to confirm if anything was said. Evidence from the Referee’s Assessor on the day quoted “On the occasion where the individual was sent from the technical area, I did not hear or see any comment or visible sign of dissent that was clearly coming from the Bonnyrigg technical area.....it took the individual approximately 20 seconds to stand and leave”.</i></p> <p><i>After considering the evidence, the GPT found on the balance of probabilities that there was</i></p>

	<p><i>insufficient evidence to show that the Respondent did behave in an unsportsmanlike or unprofessional manner towards a Match Official.</i></p>
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Serving of Suspension

The sanctions in Charges 1 and 3 are to be served consecutively such that the Respondent is required to serve a total suspension of **Two (2) Fixtures**. The Respondent and his Club Representative have indicated that he was stood down by his Club for one (1) Fixture. This is to count towards the serving of his suspension subject to the Respondent's Club providing evidence to FNSW's satisfaction that he was stood down

N.B: The Respondent is to serve the suspension as a 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 Participant 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 be met by the 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.



Louis Fayd'herbe
Member
GENERAL PURPOSE TRIBUNAL
3 August 2017