



FOOTBALL  
NSW

## GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the  
FNSW Grievance and Disciplinary Regulations

### Proceeding Details:

<b>Tribunal reference</b>	MGPT 18-108
<b>Date of hearing</b>	19 December 2018
<b>Time of hearing</b>	6:30pm
<b>Venue of hearing</b>	FNSW
<b>Tribunal Member(s)</b>	Mendo CKLAMOVSKI
<b>Respondent</b>	Richard CURMI (FFA No. 52098274)
<b>Fixture</b>	FPL 19 Men's match between Inner West Magic and Enfield All Stars on 8 December 2018 at Morris Iemma Indoor Sports Centre.

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

### Charge(s) and Determination(s):

<b>Charge(s)</b>	<b>Tribunal determination</b>
<p>1. The Respondent (<b>Richard Curmi</b>) entered the Field of Play without authorisation in breach of section 16.4(d), Schedule 3, Table C, Offence Code 01-01 of the FNSW Grievance and Disciplinary Regulations 2018 (<b>Regulations</b>).</p>	<p>1. <u>Plea</u>: Not Guilty. <u>Finding</u>: Guilty</p> <p><u>Determination</u>:</p> <p><b>One (1) fixture suspension</b></p> <p><u>Reasons</u>: <i>The GPT found there was clear evidence from the Match Officials to support a finding of guilt based on the balance of probabilities. The Respondent was made aware of section 13.6(d) of the Regulations and was unable to establish to the required standard that the facts were inaccurate. In assessing a sanction, the GPT noted that there was no swearing or threats and decided on the minimum sanction available.</i></p>
<p>2. The Respondent displayed unsportsmanlike or unprofessional behaviour in breach of Section 16.4(d), Schedule 3, Table C, Offence Code 03-01 of the Regulations.</p>	<p>2. <u>Plea</u>: Not Guilty. <u>Finding</u>: Guilty</p> <p><u>Determination</u>:</p> <p><b>One (1) fixture suspension</b></p> <p><u>NB</u>. <i>The GPT determined that the charge for this offence should be replaced with "Disputing a</i></p>

	<p><u>decision of a Match Official or dissent” in breach of section 16.4(d), Schedule 3, Table B, Offence Code 02-01 of the Regulations.</u></p> <p><u>Reasons:</u> The GPT found that while the Respondent’s behaviour was not deemed to be unsportsmanlike or unprofessional it was satisfied that the behaviour constituted “disputing a decision of a Match Official or dissent. The finding of guilt was based on the evidence and partial admission from the Respondent. It was for this reason that the minimum sanction was determined.</p>
<p>3. The Respondent was in breach of a Suspension, Notice of Suspension or Determination as a Team Official/Coach, when entering the Field of Play, in breach of Section 16.4(d), Schedule 3, Table C, Offence Code 27-01 of the Regulations.</p>	<p>3. <u>Plea:</u> Not Guilty. <u>Finding:</u> Guilty</p> <p><u>Determination:</u></p> <p><b>Four (4) fixture suspension</b></p> <p><u>Reasons:</u> The GPT found that the Respondent was clearly suspended at the time of the incident and despite his assertion that he was merely a spectator it is clear that he was involved in an incident with a Match Official while suspended. Having established that there was sufficient evidence that the respondent did in fact enter the Field of Play, the GPT determined a finding of Guilt and a sanction of four (4) fixtures as a Team Official/Coach and Spectator.</p>
<p>4. The Respondent was in breach of a Suspension, Notice of Suspension or Determination as a Player, when entering the Field of Play, in breach of Section 16.4(d), Schedule 3, Table C, Offence Code 27-01 of the Regulations.</p>	<p>4. <u>Plea:</u> Not Guilty. <u>Finding:</u> Guilty</p> <p><u>Determination:</u></p> <p><b>One (1) fixture suspension</b></p> <p><u>Reasons:</u> The GPT found that the Respondent was clearly suspended at the time of the incident and despite his assertion that he was merely a spectator it is clear that he was involved in an incident with a Match Official while suspended. Having established that there was sufficient evidence that the respondent did in fact enter the Field of Play, the GPT determined a finding of Guilt and a sanction of one (1) fixture as a Player.</p>

The sanctions in Charges 1 and 3 are to be served concurrently based on the fact that all the charges relate to the same incident while the sanction for Charge 2 is to be cumulative. The Respondent is therefore required to serve a total suspension of **Five (5) Fixtures as a Team Official/Coach and Spectator.**

The GPT determines that the sanction for Charge 4 of **One (1) Fixture is to be served as a Player.**

The GPT wishes to add that this suspension is to be served in addition to the Respondent's original suspension.

NB. The Respondent is to serve the suspension in the same age-grade for which he received the suspension 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:

- 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 provide or attempt to provide coaching instructions and 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 8.8 and 9.2 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.

**20 December 2018**  
Mendo Cklamovski  
Member  
**GENERAL PURPOSES TRIBUNAL**