



FOOTBALL
NSW

NOTICE OF DETERMINATION.

Proceeding under section 9.2 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 22-11
Date of hearing	9 November 2022
Time of hearing	6.00pm
Venue of hearing	Via Zoom
Tribunal Member(s)	Mendo CKLAMOVSKI
Respondent	Player X
Fixture	Football NSW Boys' Youth League Three match between Western Rage and Macarthur Rams FC on 1 September 2022 at Blacktown City Sports Centre.

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. The Respondent used discriminatory, homophobic, racist, religious, ethnic or sexist language and/or gestures towards a Match Official in breach of section 16.4(d), Schedule 3, Table B, Offence Code 08-01 of the Football NSW Grievance and Disciplinary Regulations 2022 (Regulations).</p>	<p>1. <u>Plea: Not Guilty</u> <u>Finding: Not Guilty</u></p> <p><u>Determination:</u></p> <p>N/A</p> <p><u>Reasons:</u></p> <p><i>While accepting the Referee's strong statement supporting his written report the GPT believes there is insufficient supporting evidence to find the Respondent Guilty.</i></p> <p><i>On questioning the Referee did indicate that the Respondent had turned his back when he allegedly said the words "you're a fucking faggot".</i></p> <p><i>The Respondent admitted to saying the words "fucking, forget it" in frustration and there is a chance the Referee misheard the Respondent's words.</i></p> <p><i>The Respondent's version is supported by a witness. The video evidence also shows that the Referee had turned around when the Respondent appears to make the comment.</i></p>

	<p><i>Based on the evidence provided, the GPT finds the Respondent “Not Guilty” of Charge 1</i></p>
<p>2. The Respondent used discriminatory, homophobic, racist, religious, ethnic or sexist language and/or gestures towards a Match Official in breach of section 16.4(d), Schedule 3, Table B, Offence Code 08-01 of the Football NSW Grievance and Disciplinary Regulations 2022 (Regulations).</p>	<p>2. <u>Plea</u>: Guilty. <u>Finding</u>: Guilty</p> <p><u>Determination</u>:</p> <p>Eleven (11) fixture suspension</p> <p><u>Reasons</u>:</p> <p><i>The Respondent pleaded Guilty accepting that he said the following to the Referee “yep, you’re a fucking faggot” in frustration after being shown a Red Card.</i></p> <p><i>The Respondent was advised that this is not acceptable regardless of what he felt about the referee’s decision and is simply unacceptable and a serious breach of the Regulations.</i></p> <p><i>The GPT did thank the Respondent for his admission of guilt and also notes that the Respondent apologised for his behaviour and the impact it had on the Referee. Football NSW will pass on his apology to the Referee.</i></p> <p><i>The GPT, while acknowledging the serious charge, believes that the minimum sanction available is appropriate on this occasion.</i></p>
<p>Serving of Suspension:</p> <p>The GPT has determined that the Respondent is to serve the minimum sanction for Charge 2 which is an eleven (11) fixture suspension.</p> <p>NB. The Respondent is to serve the suspension as a Player only, given the offence was as a Player.</p> <p>The Respondent is to serve the Fixture Suspension in accordance with section 15.6 of the Regulations, in particular, sub-section 15.6(j). However, the GPT determined, under sub-section 15.6(k), that the Fixture Suspension will NOT extend to Spectating to attend any Fixtures in which his club participates during the Fixture Suspension, albeit that he may not enter the Field of Play.</p> <p>In making this determination, the GPT took into consideration the Respondent’s age, previous record and leadership role within the team. The club’s representative expressed concern about the Respondent’s absence from football for a long period and the affect this will have on his emotional wellbeing.</p>	

The GPT determined that it is important to have the Respondent continue with his club given the Respondent's age and the length of the suspension. Allowing the Respondent to be involved in training and coaching, where he can take a leadership and educational role at the club, would be the preferred outcome.

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 9.8 and 10 of the FNSW Grievance and Disciplinary Regulations. Any appeal must be submitted on the Notice of Appeal form (Prescribed Form 12) to tribunal@footballnsw.com.au with the relevant Application Fee within 7 working days of the Final Determination of the GPT (where the GPT has indicated one will be issued) being sent to the Respondent.

Please note that the FNSW Appeals Tribunal may vary, by way of reduction or increase, any sanction, measure or order imposed by the FNSW General Purposes Tribunal without the necessity to provide any prior notice to any party to the appeal of its intention to do so.

10 November 2022

Mendo Cklamovski

Member

GENERAL PURPOSES TRIBUNAL