

**GENERAL PURPOSES TRIBUNAL
OF FOOTBALL NEW SOUTH WALES
FINAL DETERMINATION
IN THE FOLLOWING MATTER:**

GPT 15/07

Parties	Mr Luka Hrzina (Coach, Sydney United)
Attendees	Mr Dean Wright (Match Referee) Mr Shane Hudson (Match Assistant Referee) Mr Derek Meechan (Referee Support, Macarthur Referees Association) Master X (Player, Sydney United) Master Y (Player, Sydney United) Master Z (Player, Sydney United) Mr Stan Ivancic (Parent, Witness) Ms Manda Popovic (Team Manager, Witness) Mr Mark Ivancic (President, Sydney United)
The basis upon which the matter is before the General Purposes Tribunal	Grievance and Disciplinary Regulations Sections 8.2 and 15.3

Key Words/Phrases	Insulting and Abusive Language, Unprofessional Conduct
Date of Hearing	14 May 2015
Date of Final Determination	25 May 2015
General Purposes Tribunal Members	Mr Chris Gardiner (Chair) Mr Andrew Barnes Mr Louis Fayd'herbe

A. INTRODUCTION

1. Football NSW has established this General Purposes Tribunal pursuant to Section 5 of the Football NSW Grievance and Disciplinary Regulations 2014 ("Regulations").
2. A General Purposed Tribunal (GPT) is responsible for hearing and determining:
 - 2.1. Breaches of Misconduct and Disrepute as set out in Section 8.2 of the Regulations;
 - 2.2. Grievances between Members as set out in Section 8.3 of the Regulations;
 - 2.3. Matters referred by Football NSW's Disciplinary Committee as set out in Section 8.4 of the Regulations;
 - 2.4. Any other matter Football NSW considers important to the interests of football in the State, at its absolute discretion, as set out in Section 8.1 (a) (iii).
3. The GPT makes determinations as set out in Section 8.5 of the Regulations.

B. NOTICE OF CHARGE

4. Football NSW issued a Notice of Charge against Mr Luka Hrzina dated 27 April 2015, alleging breaches of:

Sections 15.3(b), (e) and/or (g) of the Football NSW Grievance and Disciplinary Regulations; and/or

Section 15.3 (d) of the Football NSW Grievance and Disciplinary Regulations, Schedule 3, Table B, Number 1 and/or Number 7; and/or

Clauses 2.1, 2.2(c) and/or (f) of the Football Federation Australia Code of Conduct

5. The conduct alleged in the Notice was as follows:

At the completion of the Round 5 Match of the National Premier League 1 (NPL1) in the U12s grade between Sydney United 58 FC and Mount Druitt Town Rangers held at Sydney United Sports Centre it is alleged that the Participant (Luka Hrzina) who is the Sydney United 58 FC U13s coach, used threatening, intimidating and/or abusive language and/or conduct towards the referee (Dean Wright) of the U12s game. The incident occurred in the players' tunnel.

6. Mr Hrzina pleaded not guilty in a Notice of Response dated 4 May 2015.

C. DECISIONS OF THE GPT

7. The Tribunal determined that Luka Hrzina was guilty of the charge of breaching Section 15.3 (d), specifically Schedule 3 Table B Offence Number 7, and so Section 15.3(e), of the Football NSW Regulations;

8. The Tribunal determined that Luka Hrzina serve a suspension of 5 fixtures as a coach and/or team official, this suspension to be inclusive of fixtures served under the suspension imposed by Football NSW in its Notice of Suspension dated 24 April 2015
9. The Tribunal determined that Mr Hrzina pay the costs of the Tribunal processes as assessed by Football NSW.

D. THE HEARING

10. The Hearing was held at Football NSW on 14 May 2015.
11. Mr Hrzina and his Club representative, Mr Ivancic, were invited to make submissions on jurisdiction and competence. No submission was made.
12. All witnesses were cautioned on the need for accurate and honest testimony.
13. The Tribunal advised Mr Hrzina of his rights to appeal at the conclusion of the hearing.

E. EVIDENCE & SUBMISSIONS

14. The Tribunal accepted as evidence Match Official Incident Reports and oral testimony from the Referee involved in the alleged incident and one of the Assistant Referees involved.
15. The Tribunal accepted a document outlining a complaint from a Ms Nicola Steward on behalf of her son, a player in the U/12 Mt Druitt Town Rangers team, regarding the alleged incident. Ms Steward advised Football NSW shortly before proceedings that her son had taken ill and was unable to participate.
16. The Tribunal accepted a statement from Mr Hrzina submitted with his Notice of Response and oral testimony as evidence.
17. The Tribunal accepted statements and oral evidence from three U/12 Sydney United players, masters X, Y, and Z; Mr Stan Ivancic; and Ms Manda Popovic offered in defence for Mr Hrzina.
18. A statement originally submitted by a Master Jordan Ivancic was withdrawn at the hearing.
19. The Tribunal accepted as evidence a short video clip relating to the incident submitted by Sydney United in defence of Mr Hrzina.
20. The Tribunal accepted as evidence an email to Football NSW from Mr Michael Irga, Operations and Venue Manager for Sydney United dated 23 April 2015.
21. Mr Hrzina reiterated his denial of foul language and of intimidating behavior, and his Club representative submitted that the weight of the evidence before the Tribunal supported his denial.

F. CONSIDERATION & COMMENT

22. The Tribunal noted that the only direct evidence before it regarding allegations of foul language by Mr Hrzina came from the Referee.
23. The Tribunal noted that the Referee's evidence at the hearing was that he was certain the language he had reported was used and came from Mr Hrzina, but that he had had his head down at all times as he moved from the field and through the player tunnel to the Referees' room.
24. The Tribunal was unable to receive or test evidence directly from Ms Steward's son, Blake, in this regard.
25. The video evidence submitted by the Club contradicted the accounts of the Referee and Assistant Referee regarding their physical positions in the movement to the tunnel and in the tunnel, and suggested that it was reasonable to accept that, if foul language had been used by Mr Hrzina, both Assistant Referees would have heard and witnessed it.
26. The Tribunal noted that all other witnesses before the Tribunal at the hearing, all of whom were in close proximity to the Referee and Mr Hrzina, either testified that they had not heard the language reported by the Referee or that they had witnessed the exchange and that Mr Hrzina used no such language.
27. The Tribunal concluded that the weight of the evidence before it did not allow it to find that Mr Hrzina had used the foul language alleged by the Referee.
28. Mr Hrzina acknowledged that he had met the Referee at the mouth of the player tunnel as the referees left the field and that he had an exchange with him as he moved down the tunnel.
29. Mr Hrzina acknowledged that he had used the words 'shame on you' and had directed comments to the Referee about refereeing 'both sides' in a game. Two witnesses reported the use of the word 'disgrace' or 'disgraced' by Mr Hrzina.
30. Ms Popovic characterized Mr Hrzina's demeanor as being 'upset', and Mr Irga, Sydney United's Operations Manager, referred to 'raised voices' in the exchange.
31. The Assistant Referee, Mr Hudson, formed the view of the exchange such that he felt it necessary to move between Mr Hrzina and the Referee.
32. The Tribunal notes that the language and actions of Mr Hrzina appeared insufficiently serious to the other Assistant Referee, however, for him to neither submit an incident report nor attend the Tribunal hearing.
33. In the Tribunal's view, Mr Hrzina confronted and, by suggesting bias in his decisions on the field, insulted the Referee in front of young players and other Participants. Whilst not finding sufficient evidence to conclude his behavior was intimidating, the Tribunal found that it was reasonable to conclude it was abusive in tone.

34. Insulting and abusive language against a Referee is unacceptable and unprofessional. Whilst at the lower end of a spectrum of such misconduct, the Tribunal found that, given the incident occurred in front of young players, more than the minimum suspension was appropriate and determined that a suspension of five fixtures as a coach and team official, including any fixtures already served, be imposed.
35. The Tribunal concludes by noting and commending the willingness of the young Sydney United players to give statements and to have their evidence tested. The Tribunal found them to be honest and reliable witnesses and good ambassadors for their Club.

Chris Gardiner
Chairman
25 May 2015