

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



**GPT 15/17**

Respondent	Mr X
Attendees	Nil
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	Serious Foul Play, Abusive Language, Pushing a Referee
Date of Hearing	7 September 2015
Date of Final Determination	14 September 2015
General Purposes Tribunal Members	Mr Chris Gardiner (Chair) Mr Louis Fayd'herbe Mr Ben Jones

## A. INTRODUCTION

Football NSW has established this General Purposes Tribunal pursuant to Section 5 of the Football NSW Grievance and Disciplinary Regulations 2014 ("Regulations").

A General Purposed Tribunal (GPT) is responsible for hearing and determining:

- 1.1. Breaches of Misconduct and Disrepute as set out in Section 8.2 of the Regulations;
- 1.2. Grievances between Members as set out in Section 8.3 of the Regulations;
- 1.3. Matters referred by Football NSW's Disciplinary Committee as set out in Section 8.4 of the Regulations;
- 1.4. 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).

The GPT makes determinations as set out in Section 8.5 of the Regulations.

## B. NOTICES OF CHARGES

Football NSW issued a Notice of Suspension to the Respondent dated 22 July 2015.

Football NSW issued a Notice of Charges against the Respondent dated 12 August 2015, alleging breaches of:

**Sections 15.3 (d) Schedule 3 Table B Number 3, (e) and/or (g) of the Football NSW Regulations, and/or Clauses 2.1, 2.2 (c), (d), and/or (f) of the FFA Code of Conduct.**

The conduct alleged in the Notice of Charges for the Respondent was as follows:

**CHARGE 1:** *In the 66<sup>th</sup> minute of the Round 4 Under s Grade Match of the Football NSW State Cup between XXX and YYY on 14 June 2015, the Participant (X) tackled YYY Number 11 (Y) with his studs showing up and made contact with Mr Y at waist level on Mr Y's left side with excessive force. The Participant received a Red Card for Serious Foul Play (R1)*

**CHARGE 2:** *Immediately after receiving the Red Card, the Participant pushed the Match Official (A) in the chest.*

**CHARGE 3:** *The Participant then used abusive and/or insulting language towards the Match Official (A) by calling him a "fucking cunt"*

Mr X did not respond to the Notice of Charge.

## C. DECISIONS OF THE GPT

The Tribunal determined that the Respondent be suspended from all Football activities:

- 1.5. For 12 fixtures for the offence of serious foul play;
- 1.6. For 4 fixtures for abusive language;
- 1.7. For 1 year for pushing a match official,  
such suspension to include any suspension already served, and to be non-concurrent.

The Tribunal determined that the costs of the Tribunal processes assessed by Football NSW be met by the Respondent.

#### D. THE HEARING

The Hearing was held at Football NSW on 7 September 2015.

The Respondent failed to provide a response and failed to attend the hearing.

The Tribunal proceeded ex parte, making its determination in the absence of the Respondent, as provided under Section 12.7 (a) of the Regulations.

#### E. EVIDENCE & SUBMISSIONS

The Tribunal had before it for consideration:

- 1.8. Send-off and incident reports from the Referee, A;
- 1.9. An incident report from Assistant Referee Z;
- 1.10. An incident report from Assistant Referee D;
- 1.11. A witness statement from a Mr C; and
- 1.12. A witness statement from a Mr B.

#### F. CONSIDERATION & COMMENT

In the absence of any response or submission from Mr X or, indeed, his Club, the Tribunal relied on the statements available.

The send off and incident reports from the Referee and Assistant Referees were clear and consistent.

Two statements from witnesses supported the reports from the Match Officials.

The Tribunal accepted that Mr X made contact 'studs up' at or about waist level, pushed the referee, and verbally abused the referee using offensive language.

The Tribunal therefore found Mr X guilty of three separate offences under the Regulations.

On the basis of the Referee's send-off report, it concluded that the serious foul play was at the highest level of the offence and determined that a 12 fixture suspension was appropriate

Whilst unacceptable, the offensive language involved one, short direction of swear words against the match official, and the Tribunal determined that the minimum sanction of 4 fixtures be applied.

The more serious offence, pushing a referee with open hands, having been confirmed, but taking into account the age of the Respondent and the likely impact of the sanction, the Tribunal imposed the minimum suspension of one year.

In order to signal the seriousness of each of the offences separately, and to ensure that the suspension covered a full football and full futsal season through 2016, the Tribunal determined that the suspensions not be concurrent but aggregated.

Having found the Respondent guilty of the Charges, the Tribunal also awarded costs of the Tribunal process against him.

Chris Gardiner  
Chairman  
14 September 2015