

GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 16-35
Date of hearing	30 June 2016
Time of hearing	7:00pm
Venue of hearing	FNSW Board Room
Tribunal Member(s)	Tyrone Dutt
Respondent	Michael Grbevski (FFA: 54112925)
Fixture	U15s NPLT1 St George Saints v Rockdale City Suns on 18 June 2016 at St George Stadium

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 threatening or intimidating language or conduct towards a Match Official in breach of section 15.4(d), Schedule 3, Table B, Number 5 of the FNSW Grievance and Disciplinary Regulations (Regulations).</p>	<p><u><i>Plea:</i></u> Not Guilty. <u><i>Finding:</i></u> Not Guilty. <u><i>Determination:</i></u> NA. <u><i>Reasons:</i></u> Insufficient evidence to prove the charge. The Tribunal does not accept that a threat was made towards a Match Official.</p>
<p>2. The Respondent used offensive, insulting or abusive language and/or gestures towards or about a Match Official in breach of section 15.4(d), Schedule 3, Table B, Number 1 of the FNSW Grievance and Disciplinary Regulations (Regulations).</p>	<p><u><i>Plea:</i></u> Not Guilty. <u><i>Finding:</i></u> Guilty. <u><i>Determination:</i></u> 4 fixtures (MMS + 3) <u><i>Reasons:</i></u> 1. Oral evidence was received from the Match Official ("MO") which corroborated his report of 18 June 2016. It was clear from that evidence that the MO believes that a number of offensive, insulting or abusive phrases and/or terms were used by the Respondent and directed to the MO. The Respondent denies this. 2. The Assistant Referee ("AR") was not available to be questioned at the hearing and no further</p>

evidence was received from the Assistant Referee in support of his report of 18 June 2016. The AR's report does not entirely match the recount of the MO. The Tribunal accepts FNSW submission that the reports do not contradict each other rather the MO report is more fulsome and detail than the AR report.

3. The Respondent has provided a Statement dated 29 June 2016. That Statement was amended before the commencement of the Tribunal and again amended during the Respondent providing oral evidence. The Tribunal accepts the Respondent's Statement in its amended form in conjunction with the Respondent's oral evidence provided at the Hearing. The summary of that evidence is that the Respondent had a verbal exchange with the MO. The Respondent's recount of events differed dramatically from the MO recount of event. However the Respondent at paragraph 8 of his Statement has admitted saying to the MO words to the effect of:

"This is a disgraceful, I'm going to write a report".
The Respondent does admit to saying *"this is a fucking joke"* but says that he did not say this directed to the MO.

4. The Respondent has tendered a Statement of "Robert Geroski". That Statement was undated and unsigned. Mr. Geroski was unavailable in person and by telephone to be questioned in regards to his Statement and the incident. Mr. Geroski's Statement was admitted into evidence without any objection from FNSW. The evidence corroborates the Respondent's version of events. It confirms that the Respondent used the phrases:

"this is a disgrace" in conversation with the Referee; and

"this is a fucking joke" whilst the Respondent was facing Mr. Geroski.

Mr. Geroski's statement is unclear if the phrase *"this is a fucking joke"* was used towards the MO or Mr. Geroski. Further, Mr Geroski was unavailable to clarify that issue.

5. In respect of the phrase *"this is a disgrace"*, The Tribunal accepts that on the evidence it is clear the Respondent said the phrase to the MO.

6. In respect of the phrase *"this is a fucking joke"*

the Tribunal is satisfied on the evidence that the phrase was said within earshot of the MO, about the MO and/or his convening of the match, whilst or immediately after a verbal interchange with the MO.

7. The Tribunal is satisfied on the evidence that both phrases were used by the Respondent in description on the MO officiating of the game; and both phrases are offensive, insulting or abusive language when used in that context.

8. In respect of the phrase "this is a fucking joke" If the Tribunal was to accept the MO version of events, at worst the Respondent has made the remark point blank to the MO whilst facing the MO. If the Tribunal was to accept the Respondent's amended evidence on the night, at best case the Respondent has made a remark and comment about the MO whilst not facing the MO, and whilst walking away from the MO. For this to occur the Tribunal accepts that the Respondent's voice would have had to been elevated for the MO and AR to hear him some 12 to 13 metres away. In any event, it is clear from the evidence that the comment was made about the MO and within earshot of the MO.

9. The Respondent has submitted video footage for the aid and consideration of the Tribunal. Although not of very high quality, it did assist the Tribunal in the length and timing of the incident and provided some very limited assistance in where the Respondent and MO, AR were located when the incident occurred.

10. The Tribunal received Submissions from the Respondent on appropriate suspension. The Respondent submitted that if a finding of guilt was determined, a suspension on the lower end of the spectrum would be appropriate given:

- (a) the Respondent's contrition; and
- (b) the Respondent has already stood himself down for two fixtures as coach and club official.

8. Having regard to the Respondent's history before FNSW it appears the Respondent has the following charges in his capacity as coach:-

- (a) Use of offensive, intimidating, insulting or abusive language and/or gestures against or about

	<p>a Match Official – 1 July 2013 - 2 fixtures;</p> <p>(b) Use of offensive, intimidating, insulting or abusive language and/or gestures against or about a Match Official – 27 April 2015 - 4 fixtures.</p> <p>11. Although not a lengthy history, it appears that this is the third charge in 4 years relating to Respondent using offensive, intimidating, insulting or abusive language. It displays an emerging pattern with the Respondent.</p> <p>12. The decision of the Tribunal reflects a suspension above the minimum that will hopefully deter and curb the Respondent's actions going forward.</p> <p>13. Subject to verification with the Respondent's club, FNSW is to take into consideration that the Respondent has already stood down for two fixtures as coach and club official for u/15's NPLT1 and that is to be taken into account towards the suspension determined by the Tribunal.</p> <p>14. To avoid all doubt the 4 fixture suspension must be served with the u/15 NPLT1 team.</p> <p>15. The Respondent is suspended from the following activities:- (a) Coaching, (b) acting as a Match Official; and (c) acting as a Club/Team Official.</p> <p>The above includes but is not limited to not: (i) accessing the technical area on game day for all ages; (ii) entering the club change rooms on game day; (iii) approaching or entering the MO's room; (iv) addressing or speaking with a MO either on or off the field; (v) entering the pitch within 1 hour before or after the match.</p> <p>16. The Respondent is allowed to spectate from outside of the fence.</p> <p>17. The Respondent is still allowed to coach throughout the week at routine training providing a game is not being played on that day/night by the u/15 NPLT1.</p>
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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.

2 July 2016

Tyrone Dutt

Member

GENERAL PURPOSES TRIBUNAL