

PRELIMINARY NOTICE OF DETERMINATION.

Reference is made to the following Tribunal:

1. Date of the Tribunal	15th June 2017
2. Tribunal that heard the case	General Purpose Tribunal (GPT)
3. Tribunal reference number	17/05
4. Tribunal Members	Marcelo Valerio (Co-Vice Chair) Alex Brown Mendo CKLAMOVSKI
5. Venue of Tribunal	FNSW Committee Room
6. Time of Tribunal	6.30pm
7. Respondent	Emanuel Spanoudakis

This document constitutes a Preliminary Notice of Determination resulting from the Tribunal listed above.

Charges against the Respondent under section 9.2 and 16.4 of Football NSW Regulations (Regulations) for alleged breaches by the Respondent of sections 16.4(d) of the Football NSW Grievance and Disciplinary Regulations related to incidents during the National Premier League 3 (NPL3) 1st grade match between St George City FA and SD Raiders FC at Fraser Park on 18 March 2017.

Summation of the Tribunal:

The Tribunal found that the evidence and admissions:

Did support Charge 1 brought against the Respondent.

Did not support Charge 2 brought against the Respondent.

Determination of the Tribunal:

The Respondent pleaded NOT GUILTY to Charge 1.

The Tribunal found the Respondent GUILTY of Charge 1.

The Respondent pleaded NOT GUILTY to Charge 2.

The Tribunal found the Respondent NOT GUILTY of Charge 2.

Sanctions Imposed

Firstly in relation to the Charge 1, that he entered the Field of Play while suspended, there was conflicting evidence, both oral and written, from a number of witnesses called/tendered from both SD Raiders and St George. As expected, the evidence from those associated with the SD Raiders club supported the charge whereas the evidence from those associated with the St George club supported Mr Spanoudakis' version that he had waited until the match was called off by the Referee until he entered the field.

The Referee gave independent evidence that during the melee it was pointed out to him by a person associated with the SD Raiders club that there was a suspended official from the St George club on the field.

The Referee confirmed that he was sure that this was pointed out to him before he abandoned the match. The Referee was quite adamant about this and the Tribunal accepts that that was in fact the case. Accordingly, the Tribunal finds Mr Spanoudakis guilty of this charge. However, the Tribunal was of the view that given the situation that had occurred, namely the serious injury suffered by the St George Player, and the subsequent melee, Mr Spanoudakis may have been mistaken as to when the Referee abandoned the match. Nevertheless, the onus is on Mr Spanoudakis as a suspended Team Official to make sure that the match was abandoned before he entered the Field of Play. Notwithstanding this the Tribunal is of the view that the appropriate penalty, given all of the circumstances, for Mr Spanoudakis is a caution.

In relation to the second charge against Mr Spanoudakis, namely that he yelled at a Match Official, given the lack of evidence in support of this count, the Tribunal could not be satisfied to the requisite level and, as such, the charge is dismissed.

Fines Imposed	Nil.
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Bonds Imposed	Nil.
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Additional Matters and Fees as per the Notice of Costs:

The Respondent is to pay the costs of the Tribunal process as assessed by Football NSW.

A full written Determination will **not** be produced.

Aggrieved parties to a determination of the FNSW General Purposes Tribunal may lodge an appeal to the FNSW Appeals Tribunal in accordance with sections 9.6 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 days of the Final Determination of the GPT being sent to the Respondent.

Sincerely,

Marcelo Valerio
Co-Vice Chair
GENERAL PURPOSES TRIBUNAL

Football NSW Limited

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