

PRELIMINARY NOTICE OF DETERMINATION.
27th November 2018

Reference is made to the following Tribunal:

1. Date of the Tribunal	21st November 2018
2. Tribunal that heard the case	General Purpose Tribunal (GPT)
3. Tribunal reference number	18/75
4. Tribunal Members	David LEWIS (Chair), Mendo CKLAMOVSKI Louis FAYD'HERBE
5. Venue of Tribunal	FNSW Committee Room
6. Time of Tribunal	6.30pm
7. Respondent	MARTIN FERNANDEZ Sydney City Eagles

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

Charges against the **Respondent** under Sections 9.2 and 16.4(d) of Football NSW Grievance and Disciplinary Regulations 2018 for alleged breaches of the Regulations and the FFA Code of Conduct related to incidents during the Futsal Premier Leagues 2 (FPL2) 19 Men's match between West City Crusaders FC and Sydney City Eagles on 3 November 2018 at Hawkesbury Indoor Stadium.

Summation of the Tribunal:

The Tribunal found that the evidence and admissions:

In part supported the Charges brought against the Respondent.

Determination of the Tribunal:

Charge 1:

During the Futsal Premier Leagues 2 (FPL2) 19 Men's match between West City Crusaders FC and Sydney City Eagles on 3 November 2018 at Hawkesbury Indoor Stadium, Martin Fernandez of Sydney City Eagles (the **Respondent**) retaliated to a physical altercation with an opposition player (Jesse Boness) by punching the opposition player in the face with excessive force.

Charge 2:

The Respondent then participated in a melee.

In relation to Charge 1 the Respondent pleaded GUILTY.

In relation to Charge 2 the Respondent pleaded NOT GUILTY.

The Tribunal found that:

- A. The Respondent was Guilty of Charge 1.
- B. The Respondent was Not Guilty of Charge 2.
- C. The Referees stated that the alleged "melee" took 5-10 seconds.
- D. Evidence from the co-accused, from Sydney City Eagles, was consistent with the Referee's reports in relation to the punches.
- E. The Respondent did involve himself in a fight and was correctly issued with a Red Card for his involvement in the fight.
- F. The Tribunal found that there was no melee as alleged.

Sanctions Imposed

Charge 1:

The Tribunal preferred a Sanction under Schedule 3, Table A R2, Violent Conduct, Grading 02-01 and therefore a suspension of **four (4) Fixtures**. This was the minimum Sanction permitted given a finding of guilt.

Charge 2:

The Tribunal found that there was no melee as alleged and therefore the Respondent was Not Guilty under this Charge.

As the Respondent has already served a three (3) Fixture suspension, he is therefore to serve an additional **one (1) Fixture** suspension.

Fines Imposed

NIL.

Bonds Imposed

Nil.

Additional Matters and Fees as per the Notice of Costs:

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

A full written Determination will **not** be produced as the sanctions imposed were the minimum possible given the findings of the Tribunal.

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 this Determination of the GPT being sent to the Respondent.



David P. Lewis
Chairman
GENERAL PURPOSES TRIBUNAL