



FOOTBALL
NSW

NOTICE OF DETERMINATION

Proceeding under section 9.2 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 20-01
Date of hearing	11 March 2020
Time of hearing	6.30pm
Venue of hearing	Football NSW Headquarters
Tribunal Member(s)	David P. Lewis, Chairman, FNSW GPT
Respondent	Daniel Araujo
Fixture	Trial match between Blacktown City FC and Rockdale Ilinden FC on 23 rd February 2020

Charge(s) and Determination(s):

Charge(s)	Tribunal determination
1. The Respondent struck the opposing player with the studs of his boot along his chin and down his neck in breach of section 16.4(d), Schedule 3, Table A, R2 Offence, Offence Code 04-01 or in the alternative Offence Code 03-01 of the Football NSW 2019 Grievance and Disciplinary Regulations (Regulations).	<p>1. <u>Plea</u>: Changed to Guilty. <u>Finding</u>: Guilty</p> <p><u>Determination</u>:</p> <p>The Respondent changed his plea to Guilty once he understood the process of the MGPT. His written statement in any case confirmed that he acknowledged that he had struck the opposing player with the studs of his boot along his chin and down his neck.</p> <p>Based on the submissions of the Respondent and on a consideration of past matters, the Tribunal found that Schedule 3, Table A, R2 Offence Code 02-01 was to be preferred and that the actions of the Respondent constituted an offence in the middle of the range under that Offence Code.</p> <p>Further, the Respondent had a good on-field behaviour record at a high level of the game and therefore was entitled to a reduction in sanction.</p> <p>However, the Tribunal found that the Respondent could have taken greater care and that his actions endangered the safety of his opposing player to whom he owed a duty of care.</p>

	<p>The Respondent is therefore suspended for five (5) Matches.</p> <p>As the Respondent had already served two (2) Matches he is required to serve an additional three (3) Matches.</p>
<p>Serving of Suspension:</p> <p><i>NB. The Respondent is to serve the suspension in accordance with section 15.6 of the Regulations, in particular, sub-section 15.6(j) which provides that, on the day of a Fixture, the Respondent must not:</i></p> <ul style="list-style-type: none"> <i>i. enter the Field of Play, its surrounds, the Technical Area, players race or dressing rooms;</i> <i>ii. enter any other place within a stadium, venue, ground or Centre where players and/or officials are likely to assemble;</i> <i>iii. be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials;</i> <i>iv. have any contact with a Match Official;</i> <i>v. have any contact with the Host Broadcaster or any other media where the purpose of such contact is for it to be electronically broadcast to the public, including (but not limited to) participating in any post-match press conference and participating in television or radio interviews;</i> <i>vi. participate in any Football NSW awards presentation or ceremony;</i> <i>vii. attend any function or event coordinated, conducted or sanctioned by Football NSW; and</i> <i>viii. in the case of a coach, must not:</i> <ul style="list-style-type: none"> <i>a) provide or attempt to provide coaching instructions during the Match, at halftime and/or after the Match; or</i> <i>b) engage or attempt to engage a third party to relay coaching instructions during the Match, at half-time and/or after the Match.</i> <ul style="list-style-type: none"> <i>• In accordance with section 15.3 of the Regulations, the Club and Club Officials are responsible for ensuring the Respondent correctly and fully serves any Suspension.</i> <i>• A Club and/or Club Official in breach of section 15.3 will be deemed to have committed Misconduct (section 16.4) and the Executive may, in its absolute discretion, take any relevant action pursuant to section 9.2</i> <i>• The Club and Club Officials must list in an appropriate place on a team sheet that the Respondent is serving a Suspension at the time the team sheet is completed.</i> <p><i>Failure to do so will result in a fine of \$200 per Participant per match and further sanctions</i></p>	
<p>Costs:</p> <p>The Tribunal determined that the Respondent pay the costs of the Tribunal process.</p>	

Aggrieved parties to a determination of the FNSW General Purposes Tribunal may lodge an appeal to the FNSW Appeals Tribunal in accordance with articles 9.6 and 10 of the FNSW Grievance and Disciplinary Regulations 2019. Any appeal must be submitted by completing the online Notice of Appeal form (Prescribed Form 12) to tribunal@footballnsw.com.au with the relevant Application Fee within seven (7) working days of this Notice of Determination being issued.

13 March 2020

David P. Lewis

Chairman

GENERAL PURPOSES TRIBUNAL