



FOOTBALL
NSW

GPT NOTICE OF DETERMINATION.

Proceeding under section 8.5 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 16-43 FNSW
Date of hearing	Determined on the papers
Time of hearing	N/A
Venue of hearing	N/A
Tribunal Member(s)	Courtney McLean
Respondent	Darren McDonald (FFA: 74444696)
Fixture	O35s Football NSW State Cup Kirawee v Dunbar Rovers on 3 July 2016 at Progress Park, Auburn

This Notice constitutes the General Purposes Tribunal's Determination, as determined on the papers.

Charge(s) and Determination(s):

Charge(s)	Tribunal determination
<p>1. 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>1. <u>Plea</u>: Guilty</p> <p>2. <u>Finding</u>: Guilty</p> <p>3. <u>Determination</u>: Suspension of three (3) Fixtures (MMS + 2 Fixtures). Note – one fixture stand down has already occurred.</p> <p>4. <u>Reasons</u>: The Respondent is charged with uttering the following words to the referee after receiving a second yellow card, "You've got to be fucking kidding ref", "You are a fucking joke", "You've fucking ruined this game" and "You're fucking pathetic."</p> <p>5. The Respondent has provided a letter to FNSW dated 8 July 2016 accepting full responsibility for his actions and accepting the accuracy of the relevant Match Official's Report. In that letter the Respondent notes that he deeply regrets his actions and that his conduct was out of character. The GPT does not have any evidence before it that would indicate otherwise.</p> <p>6. The minimum suspension has been applied due to</p>

	<p>the Respondent's previous clean record, plea of guilty and contrition.</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 Regulations.</p> <p>AND</p> <p>Failure to follow any reasonable direction of an Official or Football NSW employee or representative in relation to conduct and/or behaviour at a Match in breach of section 15.4(d), Schedule 3, Table C, Number 8 of the Regulations.</p>	<p>7. <u>Plea</u>: Guilty</p> <p>8. <u>Finding</u>: Guilty</p> <p>9. <u>Determination</u>: Suspension of Three (3) Fixtures (MMS + 2 Fixtures) plus 2 Fixtures to be served concurrently in accordance with section 12.10(k) of the Regulations. Note – one fixture stand down has already occurred.</p> <p>10. <u>Reasons</u>: The Respondent is charged with standing in the Technical Area after leaving the field of play after having been asked to leave by the Referee at least twice and continuing to use similar language as set out in relation to Charge 1. Note that play had to be stopped to wait for the Respondent to leave the vicinity.</p> <p>11. The Respondent has provided a letter to FNSW dated 8 July 2016 accepting full responsibility for his actions and accepting the accuracy of the relevant Match Official's Report. In that letter the Respondent notes that he deeply regrets his actions and that his conduct was out of character. The GPT does not have any evidence before it that would indicate otherwise.</p> <p>12. The minimum suspension has been applied in relation to each offence due to the Respondent's previous clean record, plea of guilty and contrition.</p>
<p>3. 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>13. <u>Plea</u>: Guilty</p> <p>14. <u>Finding</u>: Guilty</p> <p>15. <u>Determination</u>: Suspension of three (3) Fixtures (MMS + 2 Fixtures). Note – one fixture stand down has already occurred.</p> <p>16. <u>Reasons</u>: The Respondent is charged with uttering the following words to the referee after leaving the vicinity of the field and the Match restarted, "You're fucking pathetic" and "You've fucking ruined the game."</p> <p>17. The Respondent has provided a letter to FNSW</p>



	<p>dated 8 July 2016 accepting full responsibility for his actions and accepting the accuracy of the relevant Match Official's Report. In that letter the Respondent notes that he deeply regrets his actions and that his conduct was out of character. The GPT does not have any evidence before it that would indicate otherwise.</p> <p>18. The minimum suspension has been applied due to the Respondent's previous clean record, plea of guilty and contrition.</p> <p>19. The Respondent's suspensions in relation to each of the charges are to be served concurrently in accordance with section 12.10(k) of the Regulations.</p> <p>20. Therefore the total suspension is <u>Three (3) Fixtures (MMS + 2 Fixtures)</u>.</p>
<p>Costs:</p> <p>The Tribunal determined that the costs of the Tribunal, to the extent that any costs have been incurred as determined by FNSW, be met by the Respondent.</p>	

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.