



FOOTBALL
NSW

GPT NOTICE OF DETERMINATION.

Proceeding under section 9.2 of the
FNSW Grievance and Disciplinary Regulations

Proceeding Details:

Tribunal reference	MGPT 18-70
Date of hearing	22 August 2018
Time of hearing	6.30pm
Venue of hearing	Football NSW
Tribunal Member(s)	Louis FAYD'HERBE
Respondent	Tom McMorrow (FFA No. 59351064)
Fixture	Girls Conference League (GCL) U17s Women's match between Dunbar Rovers FC and Football South Coast on 12 August 2018 at Elizabeth Park.

This Notice constitutes the General Purposes Tribunal's Determination resulting from the Tribunal hearing listed above.

Charge and Determination:

Charge(s)	Tribunal determination
<p>1. Tom McMorrow (the Respondent) used offensive, insulting or abusive language and/or gestures at or towards a Match Official (isolated incident) in breach of section 16.4(d), Schedule 3, Table B, Offence Code 04-01 of the FNSW Grievance and Disciplinary Regulations (the Regulations).</p>	<p>1. <u><i>Plea: Not Guilty Finding: Guilty</i></u></p> <p><u><i>Determination:</i></u></p> <p>Reasons: <i>The Respondent informed the GPT that he was pleading "Not Guilty" to "using offensive, insulting or abusive language and/or gestures at or towards the Match Official". The Respondent informed the GPT that he said the words, "they're frickin' cheats!!" during a private conversation with his substitute players and was referring to a Player from Football South Coast who had kicked the ball out and had insisted on taking the throw in.</i></p> <p><i>The Referee and one of his assistants were adamant that the Respondent said, "fucking cheats" and it was directed at them. The Respondent maintained he said "friggin cheats" and it was not directed towards the Match Officials.</i></p> <p><i>After reviewing all the evidence and questioning the Match Officials, the GPT was not satisfied that the charge of section 16.4(d), Schedule 3, Table B, Offence Code 04-01: "Using offensive, insulting or abusive language and/or gestures at or towards a Match Official (isolated incident)" had been proven.</i></p>

Although this offence had not been proven, pursuant to section 13.11(f) of the Regulations, the GPT has the discretion to apply a different charge if it is of the view that charge could be proven to the required standard. The GPT invited submissions from the Respondent in relation to his actions possibly satisfying another offence, being section 16.4(d), Schedule 3, Table C, Offence Code 06-01: "Using offensive, insulting or abusive language and/or gestures (isolated incident)".

The Respondent maintained that the words said, "fickin cheats" were said in a private conversation and not directed to the Player from Football South Coast.

After considering the submissions and reviewing the evidence, the GPT concluded that the words said, even though it was said in a private conversation to his substitute players, were directed at the Player from Football South Coast.

Accordingly, the Respondent is required to serve a total sanction for this offence of two (2) Fixtures. This is the minimum sanction applicable for this offence. The GPT notes that the Respondent has already stood down (1) Fixture. The Respondent is therefore required to serve a total suspension of one (1) Fixture.

In making its final decision on sanction, the Respondent submitted to the GPT that it should apply its discretion to suspend the remaining one (1) Fixture pursuant to section 13.12 of the Regulations. The Respondent submitted to the GPT that it should exercise its power due to the Respondent's good character, tribunal record and his years of contribution to the sport.

In making its decision in relation to suspending part of the sanction, the GPT noted that the Respondent is a coach and coaches are held at a higher standard of behaviour during matches. Accordingly, the GPT therefore decided that a suspended sanction would not be appropriate in this case.

The Respondent is therefore required to miss two (2) Fixtures less the one (1) Fixture he has already stood down.

<p>2. The Respondent disputed a decision of the match official or showed dissent in breach of Section 16.4(d) Schedule 3, Table B, Offence Code 02-01 of the Regulations.</p>	<p>2. <u>Plea:</u> Not Guilty <u>Finding:</u> Not Guilty</p> <p><u>Determination:</u></p> <p>No Sanction</p> <p><i>After considering the evidence, the GPT found that on the balance of probabilities there was insufficient evidence to show that the respondent had disputed the Match Official's decision.</i></p>
<p><u>Serving of Suspension</u></p> <p><i>The Respondent is therefore required to serve a total suspension of Two (2) Fixtures.</i></p> <p><i>NB. The Respondent is to serve the suspension as an Official and in accordance with section 15.6 of the Regulations, in particular, sub-sections 15.6(h) and (j) which provide that, on the day of a Fixture, the Respondent must not:</i></p> <ul style="list-style-type: none"> <i>a. enter the field of play (or court), its surrounds, the technical area, players race, dressing rooms or any other place within a stadium, venue, ground or Centre where players and/or officials are likely to assemble to prepare for a match;</i> <i>b. be seated in an area in a stadium, venue, ground or Centre normally reserved for players and/or officials; and</i> <p><i>in the case of coach, must not engage or attempt to engage a third party to relay coaching instructions.</i></p>	
<p>Costs:</p> <p>The Tribunal determined that the costs of the Tribunal, as determined by FNSW, be met by Football NSW.</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 9.6 and 10.2 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.



Louis Fayd'herbe
Member
GENERAL PURPOSE TRIBUNAL
24 August 2018