

PRELIMINARY NOTICE OF DETERMINATION.
17th December 2019

Reference is made to the following Tribunal:

1. Date of the Tribunal	11th December 2019
2. Tribunal that heard the case	General Purpose Tribunal (GPT)
3. Tribunal reference number	GPT 19-43
4. Tribunal Members	David LEWIS (Chair), Duncan TWEED Pouyan AFSHAR
5. Venue of Tribunal	FNSW Committee Room
6. Time of Tribunal	5.30pm
7. Respondent	Mr Matteo Maiorana

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 of Football NSW Grievance and Disciplinary Regulations 2019 for alleged breaches of the Football NSW Regulations and the FFA Code of Conduct related to matters arising after the Under 14s Boys' Futsal Match between Inner West Magic (the **Club**) and Enfield Allstars at Morris Iemma Sports Centre on 24 November 2019.

Summation of the Tribunal:

The Tribunal found that the evidence and submissions:

Supported the Charge brought against the Respondent.

Charges and Pleadings:

Charge 1

The Respondent, Matteo Maiorana, shared a public status on social media (Facebook) exhibiting adverse comment on the performance of the Match Officials during the U14 Boys Futsal Premier League (FPL) match between Inner West Magic and Enfield Allstars on 24 November 2019. The Respondent was the acting coach and was expelled from the technical area during the Match. The Respondent also shared a video of the send-off, along with the send-off reports with the names of the underage Match Officials clearly visible.

The Respondent was contacted by Football NSW at 3.27pm, and again at 3.48pm on 29 November 2019, requesting him to remove the Facebook post. As at 7.30pm that evening, the video had accumulated over 500 views. As at 10.11pm that evening, the post was still live. As at 8.30pm on Sunday, 1 December 2019, the post was no longer visible on the Respondent's Facebook page.

This conduct was alleged to be in breach of Sections 18(b) and 16.4(d) of the Football NSW Grievance and Disciplinary Regulations (**Regulations**)- Schedule 3, Table C, Offence Code 31-01 - "*Detrimental Public Comment (including social media)*".

This conduct was also alleged to be in breach of Section 5 of the FFA Code of Conduct.

Pleadings & Evidence

The Respondent pleaded GUILTY to the Charge in his response to FNSW albeit that he disputed some or all of the facts and/or the sanction.

FNSW supplied a video of the expulsion of the Respondent from the technical area to the Hearing along with copies of the Facebook posts.

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The Respondent initially posted on Facebook the Send-off/Expulsion Reports of both Match Officials that related to his conduct in the Match. In his first post he included their names and a video containing images of the Match Officials. The Respondent made comments in these posts that were alleged to be critical of the Match Officials.

FNSW supplied copies of two emails sent to the Respondent requesting that he remove the posts. FNSW initially called the Respondent. In the first email sent at 3.27pm on Friday 29 November following that call, Mr Crepaldi, Head of Legal & Governance for FNSW noted:

You advised me that you will not be removing the post. I advised that you may be sanctioned as result of the post. You responded with words to the effect of, "go ahead and keep sanctioning me and you'll be hearing from my legal department".

A further email was sent by Mr Crepaldi at 3.48pm on Friday 29 November advising the Respondent that the Match Officials were minors aged 15 and 16.

At some time after this second email the Respondent modified his post and removed the names of the Match Officials yet left all other contents of the Facebook posts unaltered.

At 11pm on Friday 29 November the Respondent's second Facebook posts was still visible and by that time the video had recorded over 500 views.

It appears that at some time on Sunday 1 December the Facebook post was removed.

The Respondent asserted that he did not have time to remove the posts prior to that time.

Determination of the Tribunal

The Tribunal found the Respondent **GUILTY** of Charge 1.

The Tribunal dismissed the claim that he did not have time to remove the post before the time that he did and took note of the fact that he both expressly refused to do so in a telephone conversation with Mr Crepaldi and subsequent to the second email he changed his post to exclude the names of the Match Officials. Quite clearly he could have deleted the post at that time yet chose to by way of action his refusal to comply with the request made by Mr Crepaldi.

The Tribunal considered other GPTs that involved breaches of Section 18(b) and determined that this matter was a far more serious breach of that Section.

The Tribunal will comment further on this matter in its Full Determination.

Sanctions Imposed

In relation to Charge 1, the Tribunal found that the actions of the Respondent constituted an offence under Schedule 3, Table C, Offence Code 31-01 - *“Detrimental Public Comment (including social media)”*.

In relation to the Charge, the Respondent is suspended for **sixteen (16) Futsal Premier League or Futsal Cup Fixtures**. Pursuant to sub-section 15.6(h) of the Regulations, the Suspension applies to the Respondent in his capacity as an Official **and** as a Spectator.

The Respondent is to serve the above Fixture Suspension in accordance with Section 15.6, in particular sub-sections 15.6(i) and (k). For the avoidance of doubt the Tribunal has determined that:

1. The Fixture Suspension will only apply to Inner West Magic’s Futsal matches in the Futsal Premier League or Futsal Cup and will not impact the Respondent’s role with APIA; and
2. The Fixture Suspension extends to **Spectating** such that the Respondent is NOT entitled to attend any Inner West Magic Matches in any capacity until the suspension is served in full ; and
3. The Fixture Suspension will commence immediately, on 17 December 2019, and will cover the current FPL season until and including 22 December 2019. The Fixture Suspension will then recommence at the commencement of the 2020 FPL season and will continue until served.

For clarity, the Respondent is permitted to continue with his administrative role with Inner West Magic and APIA during the Fixture Suspension and is permitted to coach and spectate at any of Inner West Magic’s trial matches in the lead up to the 2020 FPL season.

Football NSW has advised the Tribunal that the Respondent has already commenced serving a Fixture Suspension under GPT 19-60. Given that this Fixture Suspension includes Coaching and Spectating, the Tribunal has determined that this suspension is to be served concurrently with the former Fixture Suspension.

In doing so, the Tribunal has extended a significant degree of leniency to the Respondent as the two sanctions could have been required to be served wholly cumulatively.

Fines Imposed

NIL.

Bonds Imposed

Nil.

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 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 working days of the Preliminary Determination of the GPT (or the Final Determination, where the GPT has indicated one will be issued) being sent to the Respondent.



David P. Lewis
Chairman
GENERAL PURPOSES TRIBUNAL