

**FINAL NOTICE OF DETERMINATION**  
28th September 2023

**GPT 22/23**



<b>Date of Hearing</b>	19th September 2023
<b>Date of Final Determination</b>	28th September 2023
<b>Respondent</b>	<b>Mr Zacharis Imisides</b>
<b>Attendees, Witnesses &amp; Documents</b>	As attached in Schedules 1 & 2
<b>The basis upon which the matter is before the General Purposes Tribunal</b>	Football NSW Grievance and Disciplinary Regulations 2023 Sections 9.2, 16.4, Football Australia National Code of Conduct and Ethics, Football Australia Safeguarding Policy.
<b>Key Words/Phrases</b>	Abuse of relative position of power; Use of language that is inappropriate; Unprofessional/Offensive Behaviour; Use of Electronic or Online Communications; Conduct that amounts to harassment (including sexual harassment) or any unwelcome physical, verbal or sexual conduct which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances; Inappropriate texts sent to a 14-year-old child. Breach of Interim Suspension Order.
<b>Finding &amp; Sanction</b>	<b>Guilty - Suspended from All Football Related Activities for four (4) years.</b>
<b>General Purposes Tribunal Members</b>	Mr David P. Lewis (Chair) Mr Marcelo Valerio Mr Robert Iaconis

Charges against the **Respondent** under Sections 9.2 and 16.4 of Football NSW Grievance and Disciplinary Regulations 2023 for alleged breaches of the Football NSW Regulations, Football Australia National Code of Conduct and Ethics and the Football Australia Safeguarding Policy related to multiple texts sent to a 14-year-old child (the Complainant) via the social media platform Snapchat in April 2023.

## A. INTRODUCTION AND JURISDICTION

1. The General Purposes Tribunal (GPT) has been established by Football NSW pursuant to Section 4 of the Football NSW Grievance and Disciplinary Regulations (“**Regulations**”). This matter was determined pursuant to the 2023 Regulations: The GPT may impose sanctions in accordance with Schedule 3 of the Regulations.
2. This is an unusual matter. In this matter there is no evidence from the Complainant or her family and they have declined to be identified in any way. They did not appear as witnesses nor did they provide any written submissions.
3. As the Complainant is a 14-year-old girl, the Tribunal has suppressed the reproduction of her name and her family name to protect her identity.
4. The Tribunal understands that the information that forms the basis of the Charges against the Participant were sent to Football NSW by persons connected to the Participant’s and Complainant’s Club. The identity of those persons has not been disclosed to the Tribunal by Football NSW.
5. It was clear to the Tribunal that the Participant admitted, in writing in his submissions to Football NSW, that the information that forms the basis of Charges 1-5 against him were messages that he sent to the Complainant.
6. Given that admission, the Tribunal formed the opinion that this matter could be heard by the Tribunal in the absence of any evidence from the Complainant and without the opportunity for the Participant to challenge that evidence.

## B. NOTICE OF INTERIM SUSPENSION ORDER AND NOTICES OF CHARGE

7. On 22 May 2023 **Mr Zacharis Imisides**, was issued with an Interim Suspension Order. In that Letter Football NSW noted that it had:

*“...been notified of allegations that while you were the coach of the Sydney Olympic FC’s (**Club**) U14s Girls’ team, you sent inappropriate messages to one or more underage female players at the Club.”*

As a result, Mr Imisides was suspended from all Football Related Activities in accordance with sections 14.1 and 15.5(e) of the Regulations.

On 28 June 2023, Football NSW (**FNSW**) issued a Notice of Charge on the Respondent, **Mr Zacharis Imisides**, a Participant as defined in Schedule 1 of the Regulations (“the Respondent”) relating to his conduct as a Coach of Sydney Olympic FC’s (the Club) U14 Girls’ team.

8. The Notice dated 28 June 2023 to the Participant specified the following charges:

### **Charge 1**

On or about 12 April 2023, it is alleged that the Participant sent the following message to the Complainant via the social media platform, Snapchat:

*“Your smile is dangerous”*

### **Charge 2**

On or about 16 April 2023, it is alleged that the following messages were exchanged between the Participant and the Complainant via the social media platform, Snapchat:

**Participant:** *“Do you ever venture far away from your town?”*

**Complainant:** *“No I don’t go anywhere without my mum she drives me everywhere!”*

**Participant:** *“LOL”*

### Charge 3

On 20 April 2023, which was a Talent Support Program Game Day and the Participant's birthday, it is alleged that the Participant sent the following message to the Complainant via the social media platform, Snapchat:

*"Good luck been thinking bout (about) u (you) x"*

### Charge 4

On 20 April 2023, it is alleged that the Participant sent the following message to the Complainant via the social media platform, Snapchat:

*"Well good luck today and I will be waiting for my birthday kiss. kick arse today ur (you are) going to smash it x"*

### Charge 5

Also on 20 April 2023, it is alleged that the Participant sent the following message to a player at the Club via the social media platform, Snapchat:

*"Wish I was seeing u (you) on my bday (birthday) xx"*

### Charge 6

During the 2023 season, it was alleged that the Participant separately sent three photographs of himself to the Complainant.

Football NSW did not allege that the Participant sent the photographs as they appear in Annexure 4 to the Notice of Charge (that is, three photos in the one message with the added text). Football NSW noted that the text in that Annexure 4 was inserted by someone other than the Complainant.

### Charge 7

During the 2023 season, it is alleged that the following messages were exchanged between the Participant and the Complainant via the social media platform, Snapchat:

**Participant:** *"Wheres (sic.) my pic for the day x"*

[The Complainant appears to have sent a photo to the Participant]

**Participant:** [heart eyes emoji] and then *"Looks comfy there"*

**Complainant:** *"yeah aha"*

**Participant:** [two emojis]

9. On 25 August 2023 the Participant was issued with a further charge relating to his alleged breach of the Interim Suspension Order.

Under the Order, the Participant was suspended from all Football Related Activities until advised otherwise by Football NSW.

The term "Football Related Activity" has the meaning given to it in section 15.5(e) of the Regulations and includes:

*"attending any function or event coordinated, conducted or sanctioned by Football NSW"* (see section 15.5(e)(vii) of the Regulations).

On the evening of 23 August 2023, Sydney Olympic FC (**Club**) held its annual presentation night for its Boys' and Girls' Youth teams within the stadium located at its home ground, Belmore Sports Ground.

The Participant was formerly the coach of the Club's U14s Girls' team and his daughter continued to play for that team.

The Participant attended the presentation night. Club presentation nights are pre-sanctioned by Football NSW.

Club presentation nights are, therefore, "functions" or "events" sanctioned by Football NSW for the purposes of section 15.5(e)(vii) of the Regulations.

By attending the presentation night, the Participant breached the Order.

10. The Participant was charged under sections 9.2 and 16.4(d) of the Regulations for the above alleged breaches.
11. The Participant, hereinafter referred to as the Respondent, pleaded NOT GUILTY to all of the above Charges in his Notices of Response and the matter proceeded to a Hearing before the General Purposes Tribunal ("the Tribunal").

### C. NOTICE OF RESPONSE AND EVIDENCE

12. The Respondent was represented by **Mr Javid Faiz** and **Ms Mary Faiz**, Solicitors.
13. The Respondent issued a Notice of Response on 12 July in response to the 28 June letter. He stated that he did not accept any of the charges and he pleaded Not Guilty to all Charges.
14. Further on 12 July, the Respondent issued a Submission to Football NSW in his defence in which he explained the context of the text messages in Charges 1-5. He admitted that he sent the text messages listed in Charges 1-5. In relation to Charge 6, the Respondent noted:

*"The only photo I sent was the one in blue jacket and the photo of sports complex I was at.. I didn't write that we flirt or any of that nonsense."*

.....

*"I feel the photos are very deceiving as my daughter was clearly cut out of the photo of me in gray (sic.) and I'm upset these things have circulated and I would like to clear my name in full. I did not send these photos.. they have been sent from my daughters account."*

The Respondent did not refer to Charge 7 in this Submission.

15. The Respondent issued a Notice of Response on 25 August together with a Submission in response to the further charge relating to his alleged breach of the Interim Suspension Order. He stated that he did not accept that Charge and he pleaded Not Guilty.
16. The Respondent pleaded ignorance of the prohibition of his attendance at this presentation event and explained that all he did was to drop his daughter off at the event.

#### **The Respondent's Version of Events**

17. In his written Submissions, the Respondent denied that he did anything wrong and that the texts were innocent and taken out of context. He claimed that if the full context of each text was made available then it would be clear that each text would be viewed as innocent. Whilst he did not object to the absence of the Complainant at the Hearing, he continually claimed that they could confirm that he had done nothing wrong.

### D. THE HEARING

18. The Respondent, aged 41, appeared by himself before the Tribunal in person on 19 September 2023 with his legal representatives. No additional witnesses were called to appear and no other evidence was adduced save for two written character references neither of which were referred to during the Hearing.
19. The Chair of the Tribunal initially drew the Respondent's attention to the charge relating to his alleged breach of the Interim Suspension Order. The Chair suggested that given the conduct of the Respondent was clearly inconsistent with his plea of Not Guilty, he might wish to change his plea to Guilty.
20. Brief discussion took place with the Respondent, the Tribunal and his legal representatives relating to the effect and requirements of the Interim Suspension Order and as a result the Respondent agreed that he would change his plea to Guilty.

He noted that he did not understand much of the process of the GPT as well as his responsibilities under the Interim Suspension Order and therefore in attending the Presentation, he was in breach of that Order.

21. The Hearing then turned its attention to each of the Charges in the initial Notice of Charge dated 28 June 2023.
22. The Tribunal and the Respondent discussed Charges 3, 4 and 5 at some length, the contents of those texts and the use of either a single “x” at the end of the texts the subject of Charges 3 and 4 or “xx” at the end of the Charge 5 text.
23. The Respondent, through his legal representatives, claimed that he did not know what the “x” represented and that it was merely his custom to use that at the end of many messages that he sent. The Respondent provided no evidence to support that claim.
24. The Respondent asserted that the context surrounding these texts, that is other messages that he sent to the Complainant, would show that the meaning of those texts would be understood to be mere fun or innocent expressions that did not confer any possible impression that they were sexual in nature or involved sexual innuendo. Once again, the Respondent provided no evidence to support that claim. It was simply his opinion.
25. The social media application used between the Respondent and the Complainant was Snapchat.
26. *“One of the principal features of Snapchat is that pictures and messages are usually only available for a short time before they become inaccessible to their recipients..... Snapchat is popular among the younger generations, particularly those below the age of 16, leading to many [privacy concerns](#) for parents.”<sup>1</sup>*
27. The Respondent claimed that he only used Snapchat at the request of the Complainant’s mother and he asserted that her mother was aware of all of the texts that were sent between him and the Complainant. He asserted that her mother wanted him to improve the Complainant’s confidence and that is why he used all of the wording in these texts.
28. Once again, given the unavailability of any evidence from the Complainant, the Tribunal was unable to test this claim.
29. The Respondent stated that some time in February this year he was asked by the Complainant’s mother to assist her daughter with her training and her confidence as she was not satisfied with the assistance she was getting from her coach. The Respondent’s team in the age below were winning regularly and the Complainant’s team was not performing well.
30. Under extensive questioning by the Tribunal, the Respondent conceded that the texts on their own did not read well and that as a parent if he saw those texts sent to his daughter he would be “concerned”. However, he continually stressed that the alleged context that accompanied those texts explained them and as a result these would and should not be considered offensive.
31. In relation to Charge 3, the following message was sent on 20 April 2023 by the Respondent to the Complainant:

*“Good luck been thinking bout (about) u (you) x”*
32. In relation to Charge 4, the following message was sent on 20 April 2023 by the Respondent to the Complainant:

*“Well good luck today and I will be waiting for my birthday kiss. kick arse today ur (you are) going to smash it x”*
33. The Tribunal was advised that 20 April 2023 was the Respondent’s birthday.

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<sup>1</sup> Wikipedia - <https://en.wikipedia.org/wiki/Snapchat>

34. In relation to Charge 5, the Respondent claimed that he did not actually type that message to the Complainant. That message was:

*“Wish I was seeing u (you) on my bday (birthday) xx”*

35. The Respondent claimed that he was driving at the time that this message was sent and that his 14-year-old daughter typed and sent that message on his behalf as she was in the car with him. He claimed that he had dictated that message to his daughter and that she typed it into his phone.

36. The Tribunal asked the Respondent what his daughter said to him when he requested that she send that text. He responded that she did not say anything. This point was pressed by the Tribunal and it suggested that his daughter might be concerned by that content. The Respondent reiterated that the context surrounding that text meant that it was not of concern and that his daughter said nothing.

37. In relation to Charge 6, the Respondent claimed that he did not send all the photos the subject of that Charge. He denied that the text accompanying those photos was produced or sent by him. Football NSW conceded as much in the relevant Notice of Charge.

38. In relation to Charge 7, the Respondent claimed that he did not send those texts. The text exchange was:

**Respondent:** *“Wheres (sic.) my pic for the day x”*

[Football NSW claimed that “The Complainant appears to have sent a photo to the Respondent”]

**Respondent:** [heart eyes emoji] and then *“Looks comfy there”*

**Complainant:** *“yeah aha”*

**Respondent:** [two emojis]

39. Much discussion took place relating to the poor quality of the images that formed the basis of this Charge. Football NSW claimed that the images were sufficiently clear to read and that they were in the same format as previous messages from the Respondent and that the Respondent’s name was on these messages.

40. The Respondent did not present any evidence to support his claim that these were not his messages nor was there any other evidence to support Football NSW’s claim that they were.

#### **Football NSW Submissions**

41. Football NSW noted that the messages that formed the basis for Charges 1-7 were wholly unacceptable and that there could only be one type of undertone attributable to these messages. That is, there was a significant imbalance in the relative power of the Respondent and the Complainant, they were a form of abuse and were sexually suggestive.

42. The fact that a 41-year-old male coach sent these messages to a 14-year-old child was wholly unacceptable and no matter what the context, these messages remained wholly unacceptable and in clear breach of the Regulations, FA National Code of Conduct and Ethics, and/or the FA Member Protection Framework.

43. Football NSW asserted that the text that was the subject of Charge 7 was sent by the Respondent and submitted that this was evidence that the Respondent had requested a picture, or multiple pictures, of the Complainant. Football NSW conceded that the images were of poor quality however it was its submission that there was sufficient evidence in those images to enable the Tribunal to find that the Respondent requested and received unknown images of the Complainant.

44. Football NSW also stated that at no time prior to the Hearing did the Respondent acknowledge the serious nature of the texts. He did so at the Hearing.

45. Football NSW sought a suspension in the range of 4-5 years.

## E. CONSIDERATION & DETERMINATIONS

46. In the absence of any evidence from the Complainant or her family or indeed any other person, the Tribunal relied on the clear and unambiguous evidence from the Respondent that he did send the texts that were the subject of Charges 1-5.
47. The Respondent admitted to sending these texts in both his written statements and during the Hearing. He disputed sending some of the photos in Charge 6 yet did admit to sending at least one of these albeit that he did not attach the text on those photos which was conceded by Football NSW in the relevant Notice of Charge.
48. The Respondent denied sending the texts in Charge 7 and although it was very difficult to read the contents of those texts, the Respondent did not dispute the contents of those texts.
49. The Tribunal has considered GPT 13-59 Final Determination dated 13 Dec 2013. In that matter similar issues were considered albeit that a different regulatory structure was in place at that time.
50. The Respondent made the following submissions on the issue of the nature or extent of possible sanctions in the event of a finding of guilt:
  - a. The Respondent's offending falls towards the lower end of the scale;
  - b. The Respondent has faced extra-curial punishment which has also had a negative impact on the lives of his family members;
  - c. A suspension of "one season" should be imposed on the Respondent, backdated to April 2023;
  - d. Any suspension issued to the Respondent should allow for the Respondent to be able to train males of "an older age group";
  - e. Prior to being allowed to coach, the Respondent should be ordered by the Tribunal to complete certain courses and programs (as determined by the Tribunal); and
  - f. With the agreement of the Respondent's football-related employer, a work phone could be procured and provided to the Respondent for his use and which could be monitored by the Respondent's employer. The Tribunal deemed this measure impractical.
51. The Tribunal discounted the Respondent's fourth submission in paragraph 50(d) having had regard to the Final Determination in GPT 13-59. In GPT 13-59, the Tribunal considered and rejected the possibility of the Respondent in that matter being allowed to coach either boys' and men's teams only.

## F. FINDINGS

52. The Respondent changed his plea in relation to his alleged breach of the Interim Suspension Order to Guilty at the Hearing.
53. The Tribunal found that the Respondent gave evidence that was not credible in relation to his claimed lack of knowledge of the "meaning" of an "x" at the end of a message, or in this case multiple texts. The Tribunal simply did not believe that he was unaware of the clear message it conveyed to the Complainant. The "x" was a "Kiss" and the Tribunal found that the Respondent knew what that character meant.
54. The Tribunal found that the Respondent could not be believed when he claimed that his 14-year-old daughter typed the text in Charge 5 on his behalf and made no comment on its contents.

55. The Tribunal refers to the book by Madonna King *“Being 14”* – an outstanding book that examines the trials and tribulations of 14-year-old girls and their special vulnerabilities<sup>2</sup>. This is a particularly vulnerable age and in 2017 the author reported that in Australia the *“Kids Helpline had been contacted over 22,000 times in the past four years by 14-year-olds girls.”*<sup>3</sup> The Tribunal did not accept the Respondent’s daughter, another 14-year-old girl, would stay silent if she was asked by her father to send such a text to another 14-year-old girl.
56. The Tribunal therefore rejected the claim by the Respondent that his daughter typed that text and found that the Respondent sent that message himself.
57. The Tribunal found that it could not support the Respondent’s submissions. The claim that surrounding “context” somehow lessened the effect of these texts was rejected. The texts in Charges 1-5 were offensive and in clear breach of the Regulations, FA National Code of Conduct and Ethics, and/or the FA Member Protection Framework.
58. In relation to Charge 6, the Respondent admitted sending one of these photos to the Complainant. The fact that he admitted to sending at least one photo for no explained reason was by itself a concern. There was no legitimate reason for him to do so.
59. The Tribunal had difficulty making a finding in relation to this Charge 7. The Respondent denied sending these texts and they were very difficult to read. Therefore, coupled with the absence of evidence from the recipient, the Tribunal was not satisfied, to the requisite standard, that Charge 7 had been made out.
60. The Tribunal found the Respondent, **Mr Zacharis Imisides**, GUILTY of Charges 1-5, GUILTY in part of Charge 6 and Guilty of the breach of the Interim Suspension Order.

## G. SANCTIONS

61. The Tribunal found that the actions of the Respondent constituted an offence under the Regulations, FA National Code of Conduct and Ethics and the FA Member Protection Framework.
62. The Tribunal has a wide discretion in relation to the imposition of sanctions in such a matter. The Regulations stipulate that the minimum sanction for this Offence Code (Schedule 3, Table C, Offence Code 32-01) is:
 

**Such penalty as the Executive or Tribunal determines**
63. The Tribunal determined that the Respondent should be suspended for **six (6) months** from all Football Related Activities, including playing, coaching, training or attending any Football NSW matches in relation to his breach of the Interim Suspension Order.
64. In addition, the Tribunal determined that the Respondent should be suspended for **three (3) years and (6) months** from all Football Related Activities, including playing, coaching, training or attending any Football NSW Matches in relation to his breach of Charges 1-6.
65. These Suspensions are to be served consecutively.
66. The Respondent is specifically restrained from making ANY contact with the Complainant or her family during the term of the Suspension.
67. While the commencement date of a Time Suspension would ordinarily commence on the date of this Determination, as the Respondent was subject to an Interim Suspension Order, the date of commencement of these sanctions is the date of that Order. That date is 22 May 2023.

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<sup>2</sup> *“Being 14”*, Madonna King, Hachette Australia 2017, ISBN 978 0 7336 3709 4

<sup>3</sup> Ibid Preface p. xiii



68. Therefore, this suspension expires on 22 May 2027.
69. The Respondent is to serve the Time Suspension in accordance with section 15.5, in particular, sub-sections 15.5(e) of the Regulations.
70. The Tribunal determined that the Respondent pay the costs of the Tribunal processes.

**Aggrieved parties to a determination of the Football NSW General Purposes Tribunal may lodge an appeal to the Football NSW Appeals Tribunal in accordance with sections 9.8 and 10 of the Football NSW Grievance and Disciplinary Regulations. Any appeal must be submitted on the Notice of Appeal form (Prescribed Form 12) to [tribunal@footballnsw.com.au](mailto:tribunal@footballnsw.com.au) with the relevant Application Fee within 7 working days of this Final Determination of the GPT being sent to the Respondent.**



**David P. Lewis**  
**Chairman**  
**GENERAL PURPOSES TRIBUNAL**  
28 September 2023

## Schedule 1

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