

Under the constitution of Table Tennis New Zealand

**BEFORE TABLE TENNIS NEW ZEALAND
AT AUCKLAND**

In the matter of: An Appeal against a decision of
North Harbour Table Tennis

BETWEEN **ANDREW PALMER**

Appellant

AND **NORTH HARBOUR TABLE
TENNIS ASSOCIATION**

Defendant

BRIEF OF EVIDENCE OF ANDREW PALMER - APPELLANT

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INTRODUCTION - ANDREW PALMER

1. My name is Andrew Palmer. I have been a member of the North Harbour Table Tennis Association (NHTTA) since 1987. I reside at 2-36 Eskdale Road, Birkdale, North Shore. I am the Appellant in this matter on appeal to Table Tennis New Zealand (TTNZ).
2. I first started playing table tennis in 1987 at school (Westlake Boys) and in the same year joined the Northcote Club, which is affiliated to NHTTA. I started playing NHTTA interclub that year and have every year since. I view myself as a social player but I train hard and take pride in representing NHTTA in regional and national team events. I have represented NHTTA in men's teams that have won national team events (B grade, C grade and D grade). I am a loyal NHTTA player.
3. I have also been a trusted volunteer at NHTTA since 1990, holding many positions on the management committee. I was elected Selector in 1990, a position I held for more than 10 years. I have held the position of Secretary, member of the executive and finance committee to name a few positions.
4. I have attended dozens of junior and senior national tournaments representing NHTTA as a manager. For junior events this has involved taking unpaid leave from work for up to a week at a time. I volunteer for this as I like to help and I also know that not many other people will help. I have organised the accommodation and represented NHTTA at the managers' meetings. On dozens of occasions, NHTTA has requested me to find and book accommodation and routinely trusts me with the accommodation money to pay for the motel, on some occasions this has been be over \$10,000.
5. I also was member of and then head of the TTNZ technical committee from 2000-2003. This involved helping write the TTNZ tournament handbook, ruling on player/association complaints on TTNZ's behalf and assisting to run many national events, including the World Junior Circuit event in Wellington. This was always voluntary.

6. In 2008 to help TTNZ, as they no longer had a national ratings system, I developed and provided a ratings system for TTNZ, ensuring I kept costs to a minimum, barely covering my own expenses. I continue to process tournaments for TTNZ to provide ratings and I wish to continue this service.
7. I have also held senior public service positions, including from 1999-2010 where I was the national Information Quality manager at the Ministry of Health for BreastScreen Aotearoa, the National Cervical Screening programme, Newborn Hearing and Antenatal HIV screening programmes.
8. My integrity and character has never been called into question in all of my working career or in my 23 years volunteering at NHTTA or TTNZ or in my 26 years of playing table tennis prior to this present situation.

2012 JUNIOR NATIONALS

9. In April 2012, I was asked, by NHTTA, to go to Christchurch as a manager for NHTTA for the upcoming NZ junior championships. I was asked by John Stapleton to book flights for the three managers going including myself, Brian Barker and Mitchell Barker. I did this and was reimbursed by NHTTA.
10. I was also asked, by John Stapleton, to find and book the motel for the trip. Initially this was for 13 people. 10 juniors and 3 managers. I found a motel and sent the details to John Stapleton. This was the closest motel available that I could find to the stadium. John decided it was too expensive and asked me to find another motel.
11. During the next week, I rang some more motels and found a cheaper motel which was 5 minutes drive from the stadium. Due to the earthquake, there was not a lot of choice in accommodation available. I provided the booking details (which included the details on how many units and rooms) to John and he approved this booking. I confirmed the booking with the motel and sent the booking confirmation to John.

12. Shortly after this, John let me know that one of the juniors, Kuan Yang had pulled out. John asked me to adjust the motel booking to 12 players. I emailed the Motel and adjusted the rooms for 9 juniors and 3 managers. We cancelled a studio unit. This meant that the total cost was slightly cheaper. The 12 beds available were all allocated.
13. Brian Barker (NHTTA Coach and Selector) was originally chosen to be a manager on the trip. I had booked a flight for him to Christchurch. But in May 2012, Brian let me know that TTNZ had asked him to be a manager on a TTNZ trip to Australia which clashed with the NHTTA trip to Christchurch. Brian's flight to Christchurch had already been booked. Brian Barker, John Stapleton and myself discussed finding a replacement manager for Brian and what to do about the flight ticket.
14. As the flight ticket was a cheap Jet-star flight it was going to cost as much as a new ticket to change the name on the ticket.
15. Brian then let me know that Brad Chen had been found as a replacement coach/manager. Brian and I discussed letting Brad use the original flight ticket that was still in Brian's name. But Brad could only go to Christchurch for the team events, not the entire duration of the trip, meaning that the dates on the ticket already purchased weren't convenient. Brian decided to purchase and pay for a new flight ticket for Brad.
16. Brian paid for the new flight ticket for Brad out of his own money. Brian never asked for a reimbursement from NHTTA for Brad's ticket.
17. Over the next few weeks John Stapleton, Brian Barker and I, discussed using the original ticket, still in Brian's name, for another adult to go as well on the trip. It was welcomed as this would not cost anything extra as the ticket had already been purchased. Victor Pollett's mum was approached but she said no as she had to work. All of us believed there would be no problem using this ticket for someone else.
18. There were never any issues raised by Brian Barker or John Stapleton with myself regarding it being "inappropriate" or that it would be a problem to use a

ticket in someone else's name, we all thought it would not be an issue. The reason it was not used was due to us not being able to find another manager who wanted to go.

19. Blake Lovie (18) is a NHTTA junior and was part of the NHTTA high performance squad. The NHTTA selectors asked Blake in April (along with all other NHTTA Juniors) if he wanted to play at the NZ Juniors. Blake told the selectors that he was unavailable.
20. Blake was in my NHTTA interclub team that season and was very keen to play and train anytime he could. Blake and I occasionally trained on Saturday afternoons after his NHTTA high performance training session. During one of these training sessions, Blake casually remarked to me that his circumstances had changed and that he would really like to play the Junior Nationals. I told him that entries had closed weeks earlier, but as I was already in discussions with Alan Moore who was the tournament manager, I could ask him if a late entry would be accepted.
21. Blake would have been aware that I was organising the NHTTA trip and that I was on the NHTTA executive. I told Blake that I was talking to Alan Moore later in the week and that I was happy to informally ask if Alan would accept a late entry. I told Blake that before he could submit a late entry he would need to talk to his Dad first and confirm that his Dad would give permission for Blake to go and arrange flights and accommodation. I didn't want Blake to send in a late entry until he was absolutely sure he was able to go. I did not want to muck Alan around.
22. The next time I communicated to Alan Moore, I told him I knew of a player that might want to do a late entry but that I wasn't sure if he actually would be able to go. Alan said he would accept a late entry if it was sent to him and said if Blake did enter it would actually help out the tournament if he played as well in the team events as he was short of a player. I let Alan know that I would find out if Blake could definitely go and let him know as soon as I found out. I passed this information onto Blake and told him if he was serious about going he needed to sort out with his Dad if he could get to Christchurch and for his

Dad to give me a ring to confirm and if he did then I was happy to let Alan know that Blake would definitely be sending in a late entry.

23. I note that I had already had a conversation with Brian Barker, a NH selector in May, as we were trying to identify parents we could ask to go. I noted that Blake wasn't in a team and asked why as he was a high performance junior. I suggested that if Blake did go then we could ask Blake's dad (who played table tennis at NHTTA interclub) to go down as a parent. Brian at the time was adamant that Blake had missed the deadline for being eligible for North Harbour teams as they had been selected a month before. So we had never bothered to talk to Blake or Blake's dad at this earlier point in time about Blake going.
24. However after Alan Moore had made a late entry spot available for Blake, I waited for a response from Blake and his father. At this stage I did not know if Blake was actually going to ask his parents if he could go or not.
25. On the 25th June 2012, I received a phone call from Blake Lovie's dad who stated that Blake was really keen to go to Christchurch and that Blake had been very disappointed in April that he was not allowed to go. I found out then that the reason Blake had not been given permission in April to go was not due to finances, but that Blake had been told he needed to show some responsibility first and find a part time job. Blake had subsequently found a part time job in June and Blake's father let me know that he was now happy for Blake to go to Christchurch and play in the tournament. We agreed if he was going to Christchurch then the safest place for him to stay would be with NHTTA and I didn't see it as a problem for Blake to sleep on the couch in the motel, as all the beds had already been allocated to the other players.
26. Blake's Father talked about booking a flight and asked what flight's had been booked by other players so he could get Blake booked onto the same flights and we discussed how much we thought flights would be to book given that it was now less than 2 weeks to the event. Blake's Father seemed happy to book and pay for a flight for Blake. However I did say that I knew of a spare flight ticket that had already been paid for but wasn't going to be used and I could find out if the Barker's minded Blake using this. We discussed that this ticket wouldn't be

in Blake's name but if he wanted to use it at his own risk then I didn't think anyone would mind. Blake and his Dad asked me to find out if they could use the ticket. This was their decision.

27. I passed on the invitation from Alan Moore to Blake regarding the composite team and Blake said he would be very keen to play teams as well as individual events. So I passed Blake's answer back to Alan when I confirmed with Alan that Blake would definitely be going to the individuals and would be keen to play in the teams if the invitation was still there.
28. Before talking to Blake's dad, I ran into Brad Chen (NHTTA Coach) and Mitchell Barker (NHTTA Coach and Selector) at the stadium and I asked them if they had any problem with Blake Lovie staying with us in Christchurch. As they were fellow team managers, coaches and selectors it seemed appropriate to talk to them. They said they had no problem with that. Both told me that they thought Blake was a good kid and very keen table tennis player.
29. This was all finalised and confirmed on June 25th during one phone call from Blake's dad to me at my home. I let Alan Moore know that Blake was confirmed to go.
30. Alan Moore sent out the team lists June 26th 2012.
31. On receiving Alan's email John Stapleton enquired why Blake was down as a composite player. I emailed back on 26th June to John Stapleton and the other NHTTA selectors, to let him know that Blake was a late entry and would be staying with us in the motel.

Refer Appellant's bundle Document 10 - Email notification to NHTTA selectors and NHTTA GM John Stapleton

32. While TTNZ had sent out a "team list" it is common knowledge that these team lists do change. Until teams are submitted at the managers' meeting on the first morning of the Nationals, teams are not final.
33. John Stapleton emailed back saying that the NHTTA under 15 team was still short of a third player and asked me to communicate with TTNZ and see if a

draft player would be available to play in the NHTTA team so they would have three players. I got in touch with Alan Moore and asked if he had managed to get a third player for this team yet? Alan said not yet, but that he was working on it. Alan eventually found a draft player for NHTTA.

34. Victor Pollet was an under 15 player and was named in the NHTTA under 18 team. The NHTTA Selectors could have named Victor in the under 15 team, meaning they wouldn't have required a draft player. The Selectors had been notified that Blake Lovie (an under 18 player) was now available so the Selectors could have moved Blake into the NHTTA under 18 team and let Victor play in the under 15 team. This meant the NHTTA teams could have been complete and not requiring any draft players.
35. But the NHTTA selectors did not want this. The NHTTA selectors wanted Victor to play in the under 18 team as he was a top player and they felt NHTTA had a chance of a medal if he played in the under 18s. They felt NHTTA had no chance of a medal in the under 15s even if Victor played under 15s.
36. The reason why the NHTTA Selectors did not ask Blake to play in the NHTTA under 18 team and therefore making the NHTTA teams complete and not requiring a draft player, was because the Selectors felt this would weaken the under 18s chance of gaining a medal.
37. This was the Selectors decision. Not mine.
38. We already had a scheduled meeting with all players and coaches on the 27th June 2012 so it would have become apparent to everyone then anyway that Blake Lovie was playing and travelling to Christchurch. It wasn't a secret! I had already talked to Mitchell Barker and Brian Barker who were selectors and I had asked Mitchell if he thought it was ok to use Brian's old ticket for Blake. There was no secrecy and no sinister plot. Only a genuine attempt to include Blake for the sake of the club and to encourage player involvement in the tournament.
39. Blake Lovie's name was also shown in the room list provided to everyone, including John Stapleton on 27th June 2012.

40. Blake was then sent a letter from NHTTA, drafted by me, that outlined his obligations which were to pay \$150 for his food. Copies of this letter were kept and been previously provided to NHTTA.
41. Brian Barker has informed me and let me know that he also discussed with John, prior to the 27th June 2012 that Blake was going to the Nationals and playing in a composite team. Brian reported back to me that John was quite happy for this to happen.
42. Prior to me getting involved in the organisation of the trip, John Stapleton emailed those juniors selected for the trip and told them all that they were responsible for booking their own flights. Juniors were told that they could book any flight they wanted, as long as they were in Christchurch on the 3rd of July and they must fly out on the day after the nationals ended.

Refer Appellant's bundle Document 7 - Confirmation of accommodation details

43. This was a decision made by John Stapleton, not myself. Personally I didn't approve of this approach. I assumed John didn't want the hassle of having to coordinate the booking of flights for all juniors. I voiced discomfort right from the start that I was unhappy with these arrangements. It meant that some juniors were booked on flights by themselves without any adults which meant they were essentially unaccompanied to Christchurch.
44. To be helpful I did collate a list of juniors, phone numbers and flight times. I provided this to everyone at the team meeting prior to leaving so that the junior's parents could co-ordinate car pooling to the airport.
45. This also meant I knew what time they would be arriving in Christchurch airport to pick them up, and ensured I had the juniors phone number, and parents phone number in case of any emergency.
46. If I had been responsible for this task I would have actually ensured all juniors were booked on a flight that had at least 1 accompanying team manager on it. This was not my decision. It was made by John without consulting me.

47. I further voiced concerns that the two youngest juniors travelling, Kane Lu and Nicolas Lin (both under 13s), had booked on an early morning flight and were flying to Christchurch without an accompanying manager (or any other “older” juniors). They were due to land at 10.20 am.
48. Due to this timing they would then have had to wait for over two hours at Christchurch airport until the next flight containing anyone else from NHTTA arriving at 12.30pm. John told me that nothing could be done about this. That they would have to wait for the others to arrive and that this is what happened.
49. I was told that my responsibility as tour manager started once I met the juniors at Christchurch airport. That the juniors were responsible for booking their own flights and their own transport to Auckland airport and that John could do nothing regarding this.
50. On the 3rd of July, the flight that these two juniors were on, was actually diverted to Wellington airport due to the weather and the juniors had to wait in Wellington airport before flying on to Christchurch. When I landed in Christchurch airport, I had expected them to be waiting by the departure gate for us. I had a period of 15 minutes of panic when I landed and realised they were not there waiting for me (as they were still in the air from Wellington!!!). We rang their phones and they were turned off. Luckily they wandered down the arrival lane a few minutes later, safe, just before I had gone into “lost person” panic mode.
51. I still feel that this was a bit lazy and slightly irresponsible planning by John Stapleton which potentially could have put these two young children at risk. It was only by luck that nothing serious happened to these two.
52. I note also, that during the trip we experienced 4 earthquakes. I note that no advice was given to me by NHTTA prior to the trip about what I should do or what my responsibilities were as Tour Manager in the case of a civil emergency.
53. I note also, that one of the juniors travelling with us, Vibhas Sofat, was subsequently diagnosed as haemophiliac a few weeks after the Junior Nationals.

No advice was given to me by NHTTA prior to the trip about this or what I was required to do as Tour Manager in the event of a medical emergency either.

54. I can only assume that prior to the trip, NHTTA felt I was experienced, responsible and trustworthy enough to cope with any situation so they felt they did not have provide me with this guidance.
55. On the 3rd July 2012, once in Christchurch I spent most of this day ferrying Juniors from the Christchurch airport to the motel as the juniors were all arriving at different times of the day. This was due to the poor planning by John Stapleton, allowing the juniors to book any flight they wanted.
56. As with all the other juniors going, Blake Lovie was responsible for arranging his own transport to Auckland airport. This would normally have meant that Blake's parents would have taken him.
57. However, Mitchell Barker offered to give Blake Lovie and Brad Chen a lift to the airport as they were all on the same flight. Mitchell was already taking his girlfriend to the airport for a flight to Wellington so Mitchell had to take his car anyway.
58. This was not organised by me. Mitchell offered to give Blake a ride to the airport. This was organised by the boys. I was just notified of arrangements so I could update my information sheet.
59. I had previously told Blake Lovie and his Father that in the unlikely scenario that Blake was unable to use the flight ticket that he knew this was at his own risk, (**refer Blake Lovie's affidavit, document 13**). All players knew that it was their responsibility to get themselves to Christchurch as John had instructed. However I believed that there would not be a problem with Blake's ticket as had been discussed with Mitchell and Brian Barker.
60. I was scheduled to pick up Mitchell Barker, Brad Chen and Blake Lovie that night. They were on the last flight to arrive from Auckland. Shortly before their scheduled flight was to arrive I received a phone call from Mitchell Barker. Mitchell let me know that their original flight had been delayed due to weather

and that Blake Lovie had been denied checking in as the ticket wasn't in his name.

61. Mitchell informed me on the phone that himself and Brad Chen while at the airport had decided of their own accord to purchase a new ticket for Blake Lovie as he did not have enough money himself and that Blake Lovie had already boarded this flight and would be arriving in Christchurch shortly. Brad and Mitchell's flight would be landing an hour after Blake's.
62. Later that night John Stapleton rang me. John informed me that NHTTA had received a grant and that NHTTA was going to refund the juniors for the full cost of the motel costs. I let John know that the cooking facilities in the motel were not as good as described to me and that food costs could be higher than I had budgeted for as we may need to buy more takeaways rather than cook in the kitchen as planned. I also explained to John about the issue that Blake had with using the Brian Barker flight ticket. As we had received a grant and Mitchell had incurred an expense here, I asked John if NHTTA would reimburse this to Mitchell. John instantly said this was a good idea and he was happy to reimburse Mitchell.
63. At this stage I had no idea if NHTTA would, or should, subsequently request Blake reimburse NHTTA for this cost, or not. At this time I was only asking John to reimburse Mitchell so that he wouldn't be out of pocket. I thought this was fair when he had taken a week's unpaid leave off work to volunteer to go away for a week to help NHTTA. I thought we could sort it out when we got back to Auckland.
64. As team manager, I was responsible for, amongst other things, paying for the motel and food, as well as cooking, player transport to the stadium, manager's meetings and looking after player welfare. NHTTA deposited over \$5000 in my account prior to leaving and asked me to keep a copy of all receipts which I did.

Refer Appellant's bundle document 18 – Reconciliation of Junior National's expenses

65. After the tournament, at the 13th July executive meeting, I reported back with a full report on how well the teams and players had done. Jack and Geraldine Stapleton were present at the meeting. I provided all the receipts and explained about the issue of the flights for Blake Lovie and asked for a reimbursement for Mitchell. I explained that this reimbursement had already been approved by John. I explained that I had already reimbursed Mitchell myself in Christchurch, out of my personal money, so asked for this reimbursement to be paid directly to me. The committee was given the opportunity to ask any questions that they wanted. The reimbursement was approved by the committee and paid into my account that night. At the time the committee seemed satisfied and they thanked me for all the hard work I had done prior to and during the tournament and praised me for how well the tournament had gone and thanked me for taking this on as it gave John a break as John would normally have had to go on the trip himself.

DEFAMATION ISSUES WITH NHTTA

66. However a week later, on the 20th July 2012, I then witnessed John inappropriately screaming at a group of school kids competing in a schools' Kiwisport interclub competition. A group of NHTTA high performance juniors that were part of this group came up to me afterwards and complained bitterly that they were extremely upset and unhappy and said that this sort of behaviour happened all the time. They asked me if there was anything I could do to raise this issue with the NHTTA committee.

Refer Appellant's bundle, document 19 –letter from juniors

Refer Appellant's bundle, document 20 –affidavit of Momo Miura

Refer Appellant's bundle, document 21 –affidavit of Blake Lovie

67. I told them if they wanted to complain then they should write a letter that I could take to the committee if they wanted me to. It seemed to be the right thing to do.

68. However, at 8:30 pm on Wednesday 1st August, I had a conversation with Geraldine Stapleton, NHTTA Secretary, about the performance of the NHTTA General Manager, John Stapleton. John is the son of the NHTTA president and Secretary Jack and Geraldine Stapleton. This discussion was in the kitchen, inside the NHTTA stadium canteen as Geraldine was cleaning the kitchen area.
69. The issues raised with her were regarding John's hours of work, demeanour and overall performance, as well as discussing the complaint I had received from several NHTTA high performance juniors detailing the incident where they claimed inappropriate yelling by John at them. However instead of making this a formal complaint by taking the letter to the committee, I thought it might be easier on John to have a quiet conversation with Geraldine, John's mum, to see if she could quietly sort the issues out without a formal reprimand or investigation of John.
70. This conversation did not go as I thought it would. Geraldine was not appreciative that I was giving her a chance to sort out these concerns with John instead of formally taking the issues to the committee. Geraldine did not like these issues being raised about her son. She threatened me. The outcome of this conversation was that Geraldine Stapleton stated to me that "if I made a complaint about our General Manager, it won't end up well for you Andrew".
71. I immediately formally reported this threat to the NHTTA Chairperson June Logan verbally (3rd August) and then via email (26th August).

Refer Appellant's bundle document 24 –email to June Logan

72. A week **after** the discussion above that I had with Geraldine, she out of the blue reported to the committee that a large sum of money had gone missing from NHTTA's locked safe prior to her opening it to do banking. The committee, which included myself, was told that the money from the Friday schools tournament was put into the safe on Friday night by John Stapleton and it was no longer in the safe and that Geraldine had discovered the missing money a week later when doing the banking.

73. I normally volunteer on Friday nights in the Stadium canteen and would normally have stayed until 9.30pm and cashed up and left the cash in a bag for John to put into the safe. However on the night in question I had to leave early at 7.30pm as it was my partner's birthday and we were going out to dinner. Due to this, a young girl, who I didn't really know and who wasn't on the management committee, replaced me and as far as I know stayed until 9.30pm. As far as I know this meant she would have been the volunteer there with John when the canteen was closed that night and cashed up. As I had left building, I am not sure who cashed up the register.
74. There is still ambiguity about the sum of money missing and how and when this could have occurred. I am not aware of any proper investigation occurring. I do know that no one questioned or took any statements from me. I also know that no one else was questioned nor were statements taken from the people who I was with inside the stadium during the weekend in question. I do know that many of us "volunteers" offered to have our finger prints taken so that we could be ruled out as suspects. This was never done.
75. The process regarding money at the club is normally that John Stapleton puts the night takings into the safe and Geraldine Stapleton takes the money out and does the banking. Jack Stapleton informed the committee that he and Geraldine would be investigating the apparent theft. This seemed and still seems to me, to be conflict of interest as Jack, who is the father of John and Geraldine who is John's mother were probably not the right people to do the investigation. This should really have been a matter for the police or an independent inquiry at least.
76. Then on August 14, in an executive meeting, John Stapleton lost the plot again as he had done in front of the juniors. John yelled at me for 10-15mins claiming that he "knew nothing" of Blake Lovie going to the nationals until well after the event. This took me by surprise as it was totally incorrect. John yelled over the top of me and wouldn't let me speak. Eventually I was able to speak and stated to the meeting that this was not the case, that John was fully informed about Blake and agreed to him going prior to the nationals. After saying this I was

called a “liar” on multiple occasions by John and Geraldine Stapleton. It was embarrassing and humiliating.

77. I then filed a formal complaint (via email) to the NHTTA chairperson June Logan about the inappropriate behaviour and language of John in particular at this meeting. I note that John was so loud in the meeting, that stadium members outside the meeting room asked me after the meeting if I was ok.

Refer Appellant’s bundle document 25 –email to June Logan

78. I have received no acknowledgement or notification that this formal complaint was ever followed up by NHTTA.
79. However, I have provided emails that show that I clearly kept John Stapleton informed of all arrangements prior to the junior nationals, including all the details about Blake Lovie, refer document .
80. I do not know why John misled the finance meeting but I do feel it was these statements that led to the misconduct charges being laid against me later in November. I feel that John was dishonest in this meeting and has been in discussions since, about this matter. This view is backed up by emails which show that he was clearly informed of all arrangements prior to the tournament so to publicly claim he did not know is simply being untruthful and misleading.

Refer Appellant’s bundle, document 10 - email notification to NHTTA

81. Then on the 24th of August 2012 and without warning, I was confronted by Jack Stapleton in the Stadium office who simply, in an aggressive manner demanded that I resign from the committee. Jack refused to give me any specific reasons why I should resign but he was very intimidating and he then said that if I didn’t resign I would be blamed for the money going missing. I felt physically threatened by him and immediately left the stadium in shock. I immediately rang a couple of people to ask advice and then rang and emailed June Logan (26th August) to report the threat and to tell her that while I had handed back the keys, I hadn’t resigned from the executive and that I became so intimidated that

I virtually ran away from this confrontation feeling very threatened, shocked and scared.

82. However, despite the fact that I had not resigned, formally or otherwise and repeatedly made it clear that I had not resigned, I was never invited to any subsequent committee meetings after this date. The secretary has refused to provide me with the minutes from any of the meetings that I have missed despite me formally requesting these minutes via emails and through formal requests via the appeal process. Thus it appears that the executive committee was intending to treat me as “resigned” regardless of whether I had or not. They simply ignored my statements to the contrary and forced me into a position of what appeared to be a retirement by not including me from that point on. It was like enforcing a boycott or unilaterally deciding for me and forcing me out unfairly. It was particularly hurtful and humiliating especially as I still regarded myself as a member of the executive as I hadn’t resigned but was being unjustly black listed or ignored.

83. On the 31st August 2012, John Stapleton stated to two NHTTA committee members, Hanson Ling and Helen Chen that:

“We now know who has stolen the money, it was a committee member, other committee members know who it is, and he has resigned”.

Refer Appellant’s bundle, document 27 – Affidavit of Hanson Ling – Defamation regarding John Stapleton

84. As I had been asked to resign by Jack on the 24th August and they were now treating me as resigned by ignoring me and as nobody else had resigned, it seemed very clear to me that I was the subject of this statement by John Stapleton.

85. Shortly after being told of this conversation by Hanson and Helen, I became aware of more gossip circulating suggesting that I was “the thief”. I was shocked and upset at hearing this. It seemed to me that while I had not resigned, Jack had simply gone through with his threat to blame me for the money going

missing. I had no access to the money and I would have welcomed a formal investigation to clear my name but the Stapleton's never followed through but left the issue just hanging there, doing damage to my reputation by innuendo and insinuation. This was devious and malicious and still is, damaging my reputation personally and professionally today. If there was money taken then I welcome a proper investigation. But to leave it out there in the public domain and not do a proper investigation but also by not attempting to clear the matter up after making statements which point to me is cruel, malicious and defamatory.

86. This insidious suggestion of guilt was perpetuated by John Stapleton when Wayne Gear, a Police detective and ATTA Chairman was contacted by John Stapleton. Wayne has provided a statement that John Stapleton rang him in August 2012 and informed Wayne that they now had a "suspect" for the alleged robbery. NHTTA have always claimed that they have never had a suspect. My opinion is that the purpose of the phone call was to further generate national gossip about me and to sully my reputation because if Wayne knew that NHTTA had a "suspect" and that he heard that Andrew Palmer had resigned from the committee, then the logical conclusion by association would be that I was therefore the "suspect" and the "thief". This was devastating to me as I respected Wayne and his opinion.
87. Also despite me not actually resigning, I have been informed that the Stapleton's (without my knowledge) tabled a resignation on my behalf and stated that I had resigned and informed the committee accordingly. This action would have made it very clear to anyone hearing these comments that they had named me as the committee member who had resigned and by implication thought to be guilty of theft. This is defamatory.
88. As soon as I heard about the defamatory comments made by John to Hansen and Helen, I escalated this to June Logan and subsequently the rest of the NHTTA executive verbally and via email on numerous occasions, informing them that I was concerned that I felt the General Manager had defamed me. I had no other way of offsetting these disgusting rumours. I felt vulnerable and helpless.

89. I have tried to amicably resolve the effect of the defamatory comments. On many occasions in August, September and October 2012, I emailed the NHTTA committee and asked them for a statement to verify that I have never resigned and that I have never been accused of stealing any money. If this had been provided then this could have helped to clear up the matter up and I would have been able to talk to whoever had heard the rumours and put a stop to them. Perhaps by this time however the damage would have been done but at least it might have curtailed the rumours.
90. However, now and especially after the Disciplinary committee stated in committee that I was not accused of taking the money and promised that they would put that in the minutes and then did not do so, so again it looks as if the committee either still holds that view but won't openly accuse me of it for fear of legal consequences or as I believe, they won't accuse me of it because there has been no money taken or it has been taken by somebody other than me and an investigation might find that out so they would rather not put up or shut up and instead they would rather perpetuate the rumour because it suits their purpose of damaging me without having to risk a legal confrontation. Never the less, these actions are just as bad as an open accusation which I would prefer because I could at least defend my honour openly. That is why I am looking to the national body to demand a proper investigation into the stolen money so that I can restore my dignity and honour in a public forum.
91. The NHTTA executive committee have refused to respond to my request for a public apology. The NHTTA executive confirmed in the November misconduct meeting that they were fully aware of my requests but that they had refused to table these emails at any meetings, therefore they were not going to do anything about my damaged reputation.
92. I rang June Logan, Chairman, after the October email (document) requesting a statement that no allegations of theft had ever been made against me. June told me on the phone that the Stapleton's would not allow her to respond. She said that she knew that no allegations of theft had ever been laid formally against me but any response she gave me would mean nothing as the Stapleton's "ran the committee". It is quite apparent that the Stapleton's are fully aware of

defamatory gossip circulating nationally against me other than what they are spreading themselves. Geraldine is clearly heard on the audio of the November misconduct meeting to say that she was fully aware of national gossip circulating regarding me and theft. It is quite apparent that they were aware of my requests for a statement that could be used to refute this gossip. It is quite apparent that they did not want to provide this statement. That they wanted my reputation to continue to be destroyed unjustly.

Refer Appellant's bundle, document 3 – Transcript of disciplinary meeting – page 15

93. I have also been told that executive members were told that I stole the money that was alleged to have gone missing and that this is why I am no longer on the committee. It is apparent that the above did happen as Terry Shorter, a member of the executive, in October 2012 told me to “*get out of the stadium*” when I went in while the day club was on. Terry’s reasoning was that I was no longer a management committee member and I overheard him tell the person he was with at the time “*that’s the thief*”.
94. The above is incredibly hard to deal with and it is this type of slander that I am concerned about. However the association of these two events, the alleged theft of money and my alleged resignation is based on two wrong facts and is therefore a nonsense because firstly I never resigned (voluntarily) and secondly I do not believe that there has been any theft as there has been nothing more said or done about it since it was first mentioned. I certainly don’t know anything about any missing money and had no access to it anyway and I have never had any allegations of that nature put to me although as I said, I almost wish they had or more to the point, that the police had been called in to investigate this matter properly and see if there was any money stolen in the first place and if so who did it. But this “guilty by association” perpetuated by members of the executive is very damaging to me and justice must prevail and the culprits brought to task and made answerable for these malicious actions.
95. It is quite apparent that the Stapleton family are intent on pushing me out of the association as I have stood up to them and their son. They have tried to pressure

me as I have challenged their family control of the association. They have hidden behind the NHTTA constitution, using their power and numbers on the committee to engineer and railroad a decision on made up unsubstantiated allegations to ban me, push me out of table tennis, and to blacken my good name.

96. Instead of addressing the issues raised above which are very serious, the response from NHTTA over the past 6 months has been to continue to threaten, bully and defame me and to call my character into question. This seems both defensive and in retribution for me raising complaints against John Stapleton. However, all I did initially was try and protect John by going to his mother rather than make a formal complaint. In response she seems, along with John and Jack, to have gone all out to undermine and impugn my character.
97. I am not aware of any investigation or follow up to the “stolen money” issue. I really don’t know what happened but I do know that they have defamed me by implication regarding this alleged theft but when confronted and asked to formally put these allegations to me they have backed down. This leads to its own conclusions. One of them being that I have become their target for unjustified and malicious treatment and personal attacks.

MISCONDUCT CHARGES

98. It is clear that the misconduct charges laid against me regarding the Junior nationals are also a direct consequence of the formal complaints I raised against John way back in July 2012. The result of this has been trumped up charges relating to a junior sleeping on the couch, (at no cost to NHTTA), at the junior nationals and further strengthened by veiled accusations of theft.
99. I am of the opinion that misconduct charges against me have been raised solely to delay resolution of issues raised by me with Geraldine about John Stapleton’s job performance and to delay resolution regarding formal notification that I passed onto Geraldine about a letter from several high performance juniors complaining about inappropriate bullying behaviour from John against them.

100. It is only after I raised the above concerns about John to Geraldine that matters soured and I was no longer welcome to executive meetings, was bullied, yelled at, threatened and lied about. I am quite clear that this was intentional behaviour.
101. I note in the misconduct meeting in November 2012 that I stated that I had emails showing that I informed John prior to the nationals that Blake was going. Jack Stapleton, John's father, interrupted me and vehemently denied these emails existed. I was forced to table these emails in the meeting. As I had already provided evidence to the NHTTA chairperson in August 2012 that these emails existed and that members of executive at the meeting were originally copied into the emails, I do not understand why Jack would continue to deny they existed. It is my opinion that that Jack was hoping I had not kept copies of the emails, as they showed that John, his son, had previously misled NHTTA
102. I note that now I have provided the emails showing I did notify the Selectors, the NHTTA have back tracked from saying they don't exist to laying new allegations against me by claiming that I was "not proactive" enough in notifying the selectors and John that Blake was going to the nationals. They have speculated (with no evidence) about my possible motives regarding this. I would argue that emailing John on June 26 when details had been finalised only on the 25th was "proactive". It is quite clear from the email trails that I kept John and the fellow selectors and team managers as informed as I could.
103. Also I did initiate discussions with coaches and selectors in the days prior to the 25th June 2012 asking their opinions regarding Blake going and regarding using the ticket previously purchased for Brian. I do not know if John's fellow selectors passed this information onto him. If they didn't I can't comment on why they wouldn't talk to John, except that many people have mentioned to me in the past that John is uncommunicative and hard to talk to. But it wasn't my role to facilitate communication between selectors that would appear to be their job.
104. NHTTA allege that myself, (Blake Lovie, Blake's dad, and several coaches and team managers), engaged in a lengthy complicated plan to ensure Blake could

attend the nationals and that somehow NHTTA was deceived and their reputation damaged by this junior playing in a nationals. There has never been any motive explained by NHTTA for this alleged complicated deception. It is utter nonsense to any reasonable objective person viewing the situation with an open mind that this allegation is unfounded but never less the NHTTA still persisted in finding fault in a situation where there is none.

105. Why would anyone like respected trusted volunteers, coaches and managers bother engaging in the deception that NHTTA allege. It doesn't make sense and is not reasonable. All that happened was that Blake Lovie decided late that he wanted to compete and was then allowed to go to the nationals. This late entry was accepted by TTNZ. As Blake was a high performance junior and a good kid, no one that this matter was discussed with at NHTTA, had any problem with these arrangements prior to the Junior Nationals. There was nothing more to this than that. I let John Stapleton know of all arrangements once I knew of the arrangements myself and John was perfectly happy with these arrangements.
106. John's story about Blake only changed after Geraldine warned him of complaints made by myself and the juniors complaint against him. I note that Blake Lovie was one of these same juniors who complained. This must have happened sometime between August 1st and August 14 when John suddenly became so hostile towards me in the 14th August executive meeting. It was apparent that suddenly John "forgot" that he knew all about the arrangements made by Blake prior to us going to the nationals. John stated (loudly) to the executive meeting that he knew nothing about Blake going to the nationals "until weeks after the event". John and Geraldine wrongly called me a liar in this meeting when I said John had definitely been informed and approved of Blake going.
107. Contrary to these allegations, multiple forms of evidence have shown that no deception occurred, that the General Manager was fully informed and provided agreement to all arrangements prior to the event. It is clear that John lied to this meeting on 14th August 2012.

108. The charges are therefore factually incorrect, implausible and would not likely make sense to a reasonable person. In the past 23 years of voluntary table tennis work, I have only ever had the interest of players at heart and have spent countless hours helping advance the interest of players, especially helping motivate young players, providing equipment, facilitating training and help getting juniors to tournaments. I do not deserve to be treated in this manner.
109. It is quite clear the actual purpose of this ban is to defend their son from the initial concerns raised by me about his performance and behaviour and to ensure it is difficult as possible for me to pursue them on any defamation charges even though they continue to damage my reputation, even now.
110. At the misconduct meeting in November there was a long discussion regarding gossip circulating nationally about theft regarding me. The executive clearly pointed out in that meeting that there had never been any allegations regarding theft made against me. I asked for this to be recorded in the minutes as I felt it was what I needed to clear my name regarding this gossip. I was assured in the meeting that this would be recorded in the minutes. After the meeting the NHTTA executive deliberately refused to minute this or if they did they deleted it from their final version of the minutes.
111. It is extremely concerning that this entire discussion has been deliberately omitted from the minutes. I can only query the motivation around deliberately excluding this, after being assured it would be included.
112. It also could be construed that this deliberate omission from the minutes is a motivated attempt to delay putting a stop to the national gossip circulating about me regarding theft.
113. It is noted that the minutes were held up for 2 months, despite being given assurances by NHTTA that these would be provided within a few days. This delay in providing the minutes further delayed and hinders my ability to clear my name regarding theft and slander. This increases the damage this gossip has made to my earnings, reputation and good standing. This whole matter has been a nightmare for me.

114. I believe also that this delay in providing the minutes by 2 months would have in normal circumstances, made it impossible for me to verify the accuracy of the minutes as too much time had passed since the November 2012 disciplinary meeting. It is fortunate that I made a recording of the meeting for the purpose of verifying the minutes. That is the only way I could ensure fairness, truth and accuracy. The two versions of the minutes are not consistent documents.
115. It has also caused me stress that the NHTTA did not provide any opportunity for me to verify the minutes as being a true and correct record, as is required. NHTTA have published “final” minutes, without providing any opportunity for me to see them before they were finalised. This is a breach of all meeting protocols and has undermined justice for me.
116. I therefore now have no way of knowing who these incorrect minutes have been distributed to. There are statements attributed to me in the minutes that I feel are incorrect. Having these incorrect statements circulating publicly is a total breach of my privacy and rights. Certainly the refusal to make a note in the minutes that I have not been accused of theft has exacerbated my reputation’s demise. It was important to me and it was a violation of truth and good faith by the executive to make a promise to minute this and then later for me to realise it had been deliberately deleted or left out.

INTIMIDATION

117. Since filing my appeal in early February 2013 I have been further intimidated by the Stapleton family.
118. Since November 2012, I have endeavoured to stay away from the NHTTA stadium as much as possible. This is due to two reasons. Firstly I have not felt comfortable being at the stadium since last year as I find it embarrassing and hurtful to be there and secondly I didn’t wish to inflame or escalate the current situation. Instead of going in 4-5 times a week to NHTTA for a hit or to volunteer or talk to friends as I have done for the past 20 years I stopped going.

119. But on two occasions in 2013, I did go to the stadium. The first was after a player contacted me, told me he had the flu and asked me to fill in for his interclub team. John Stapleton was emailed that day to let him know that this would be happening. I reasoned if NHTTA had any issues with this they had adequate time to raise this prior to me going to the stadium. I heard nothing back from NHTTA.
120. Once at the stadium I stayed away from John Stapleton as I felt that was the best way to make sure no incident happened. But in an unprovoked attack, John Stapleton started screaming at me in front of people in the stadium in an attempt to embarrass and intimidate me. I walked away from him to avoid him and tried to not provoke him but he chased after me and ended up standing over me, yelling at me as I sat down. I felt this was a vindictive act of intimidation. Witnesses have provided statements backing up my statement of events. I asked NHTTA for an apology regarding this incident. This was refused.

Refer Appellant's bundle, document 33- Affidavit – Ben Jung – Harassment of the Appellant by John Stapleton

121. Then a month later, while trying to prepare to play the North Islands, Victor Pollett asked me for a hit as we were going to play doubles together. Victor lives on the North Shore and he trains at NHTTA and had paid for keys for the stadium lights. It made sense to have a hit at NHTTA. I emailed NHTTA giving them 24 hours notice of my intention to come in for a hit as I did not want another upsetting incident. I received no reply.
122. When I turned up at the stadium, I was surprised to find the stadium almost empty (I had thought NHTTA interclub would be on) and that the entire Stapleton family were in the stadium canteen. I went into the practice room to find Victor and stayed away from where the Stapleton's were.
123. When Victor and I went onto the tables to have a hit, Jack Stapleton came into the practice room, glared at us and adjusted the stadium camera to point directly onto our table. Jack then went back to the control room. Minutes later while we were in the middle of a warm up rally, the lights turned off but only on our table.

124. When we moved to another table this happened several more times, the lights would turn off, only on our table while we were in the middle of a rally. The consequence of this was that I got distracted or disoriented at one point and injured myself. We then left. There were several witnesses to this event.

Refer Appellants bundle 36 Victor Pollett – re negligence causing injury to The Appellant.

125. Later that night my ankle started hurting and became swollen. I visited a GP the next day who said I had done some damage to the ligaments and filled out an ACC incident and sent me for further tests.

126. I have had difficulty putting pressure on the ankle for almost 2 months now following the injury and have had continual physiotherapy and medical attention due to this incident. When I complained about what happened that night the only response I have received from NHTTA was a trespass notice taken out against me.

127. I was extremely embarrassed and upset to receive a trespass notice. There are no grounds for continuing to treat me in this manner. The trespass notice was served on me at work where everyone at work could see. This was a trespass notice for a public stadium that should be open to the public. It is on public land. It is also a stadium that I spent the best part of 10 years fundraising for. The notice was also from an association that I have spent 22 years volunteering to help. I feel very hurt that this is the final humiliation.

SUMMARY

128. This entire mess has taken a considerable toll on me over the past 12 months since July 2012. I have been stressed and upset. I have been unable to sleep properly due to anxiety about gossip circulating regarding theft. This has affected my personal life and my work life. It is totally unjust and cruel.

129. Aside from my injury resulting from the incident above, my health and fitness have already been affected. I was playing 4-5 times a week for fitness and pleasure. This has now been taken away from me.
130. I have also been denied the right to socialise and talk to people that I view as friends and acquaintances at the NHTTA stadium. These are people that, in some cases, I have known for over 20 years. This is extremely upsetting, embarrassing and unfair.
131. It is also extremely upsetting and hurtful to have my agreement to do the ratings suspended by TTNZ after all the hours I have put into the ratings system. This was a role I only took on as TTNZ had lost their previous ratings system and appeared unable to develop a new one.

ANDREW PALMER

Appellant

DATED: this day of July 2013.