

29th August 2014

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To the board of Table Tennis New Zealand

Thank you for your letter dated 13th October 2013 "*Appeal by Andrew Palmer Against Decision of the North Harbour Table Tennis Association Incorporated – Decision of Table Tennis New Zealand*" which states "It is the decision of Table Tennis New Zealand that the appeal is allowed in whole. The decision of the NHTTA is set aside".

Unfortunately I need to bring to your attention that the NHTTA executive has ignored this decision.

Despite the TTNZ decision removing the NHTTA ban, the trespass notice instigated by the NHTTA executive is still in force. Due to this I cannot enter the NHTTA stadium. This bans me from membership of NHTTA and any use of this table tennis stadium. This trespass notice also prevents me from any involvement in regional and/or national events that are held at the NHTTA stadium, including TTNZ events.

I note that in their submission to TTNZ the NHTTA executive stated they were not responsible for this trespass notice. I believe this was an untrue statement.

I have evidence that shows that Jack and Geraldine Stapleton, and counsel, went to a meeting of the NHTT trust board in April 2013 requesting the trespass notice. I can provide a witnessed transcript of a public conversation where a NHTT trust board member stated

"it was put onto you (trespass notice) because how the constitution was written they (NHTTA) didn't have the authority to do it" ... "It's what their lawyer recommended. And the Stapletons wanted it" " and it's really because... what we are looking at is the whole picture. Not just one little thing ok. You've come unstuck with the Stapletons. Stapletons run the place ok"

This correlates with evidence already provided to TTNZ. In an affidavit from Jo Brown, who rung the NHTT trust and spoke with Geraldine Stapleton who, speaking as a representative of the NHTT trust, informed her that the trespass notice was placed on myself due to a request of the NHTTA executive.

Knowingly submitting a false statement in a legal document to TTNZ is at best misconduct. **As per my TTNZ rights (8b) I request TTNZ investigate and charge the entire NHTTA executive with misconduct – knowingly submitting an untrue statement.**

It is clear from the above evidence that in April 2013 the NHTTA executive were fully aware that they could not legally ban me using the NHTTA construction, as I had done nothing warranting a ban. The NHTTA executive didn't care about my rights they still wanted me banned, so a trespass notice was used instead.

These actions by the NHTTA executive were a **direct breach of the NHTTA constitution.**

{Its noted that I have been made aware that in the meeting above that members of the NHTTA executive made further defamatory statements attacking my character. I reserve the right to deal with these statements outside of this appeal process}

By not removing the trespass notice the NHTTA executive has directly ignored the decision of TTNZ. It is noted that a letter from NHTTA to TTNZ, 17th April 2013, states "NHTT will accept no application, by Mr Palmer, to become a member of NHTT"

It is clear that the NHTTA executive contested my appeal despite knowing that I had done nothing warranting a ban, and that NHTTA had no intention of removing the ban, no matter the outcome of the appeal.

I request that TTNZ instruct the NHTTA executive to remove this trespass notice ASAP so that the 13th October 2013 decision of the TTNZ can be enacted. I note that under the TTNZ constitution refusing to enact a decision of the TTNZ board is misconduct, and grounds for disaffiliation.

I also request a written apology from the NHTTA executive for purposefully denying me my rights under their own constitution.

In your letter TTNZ also urged your affiliate North Harbour Table Tennis (NHTTA) to mediate on any outstanding issues, and instructed both parties to come to an agreement on costs. NHTTA has refused to do this. As they have done throughout this entire process NHTTA refuses to respond to any correspondence sent to them.

All avenues have been exhausted trying to get a response from NHTTA and as per your instructions I request TTNZ to rule on costs.

It is my opinion that this entire process was avoidable. On numerous occasions I offered the NHTTA executive opportunities for no cost resolution of all issues. The NHTTA executive has refused to cooperate and communicate. I had no choice but to be engaged in this process. I never asked for farcical misconduct charges to be laid against me. I was forced to defend myself against charges that should never have been laid.

In September 2012 I raised concerns that John Stapleton was making defamatory statements about me regarding theft. John is an employee of NHTTA (NHTTA Stadium Manager), and at the time a board member of TTNZ. John's position in NHTTA, and TTNZ, gave significant weight and legitimacy to witnesses of his defamatory comments.

I have provided evidence via affidavits to confirm that these statements were definitely made. These statements were knowingly untrue, damaging to myself, and therefore defamatory.

The NHTTA refused to communicate with me regarding the serious defamation concerns, but instead chose to lay farcical misconduct charges against me regarding the 2012 Junior Nationals.

These charges were laid after I had already provided ample evidence to the NHTTA Chairman regarding my actions as NHTTA manager. The charges laid ignored the facts and evidence already provided.

More evidence was then provided to the NHTTA executive at the misconduct meeting, 23rd November 2012, to show that no misconduct had been committed. This should have been enough for a fair and reasonable committee to dismiss the misconduct charges.

Unfortunately for me, and TTNZ, the NHTTA executive were not fair and reasonable, I have provided evidence that I believe showed that members of the NHTTA executive misled the meeting with false and untrue statements, and the minutes and decision of the NHTTA executive contained factual inaccuracies.

It is my opinion that this failure of the NHTTA executive is because the misconduct charges were only laid by the NHTTA executive in an attempt to distract from the defamation concerns earlier raised against John Stapleton.

I would have preferred, and I'm sure TTNZ would have preferred, if I had been allowed to appeal to an independent body, e.g. the Sports Disputes tribunal. But it was the NHTTA constitution, written by the NHTTA executive that only allowed me to appeal to Table Tennis New Zealand.

In January 2013, within the allowed timeframes, I sent an appeal to TTNZ. I prepared this appeal myself, at no cost.

Ample evidence was provided outlining the flaws in the NHTTA decision. At any stage in the intervening 6 months the NHTTA could have reviewed its decision, or decided not to contest the appeal. The NHTTA refused this opportunity, NHTTA decided to contest the appeal.

In January 2013 TTNZ sent NHTTA a full copy of my initial appeal. This would indicate that in January 2013 TTNZ had accepted my appeal, and sent my appeal to NHTTA as confirmation of the appeal process starting. However the NHTTA refused to engage in this initial appeal. Correspondence shows disagreement between NHTTA and TTNZ regarding this process. But the NHTTA had a full copy of my appeal allowing them 6 months to review my evidence and create a defence. In the TTNZ process outlined later I was only initially given 7 days to review and reply to the NHTTA response. It was our opinion that this was unjust as it afforded the NHTTA an unfair advantage.

During the intervening 6 months there was substantial verbal and written dialog between NHTTA representatives and TTNZ board members. This dialog was not made available to my counsel. Opinion advised to me is that this could be construed as NHTTA trying to influence the process or decision unfairly.

It is also noted that I have also now been made aware of potentially defamatory comments made to TTNZ board members attacking my character during this period. Despite making TTNZ aware, in writing, of concerns regarding defamatory attacks on my character and requesting any statements regarding myself be passed to me for verification I am disappointed that these comments were not passed onto my counsel. These comments were made just prior to my suspension from the processing ratings for TTNZ. This suspension damaged my business reputation and income. I am receiving advice on these comments, and any damage caused by them.

On the 25th June 2013, six months later, TTNZ advised both parties of the appeal process. This process required me to resubmit my appeal. The TTNZ appeal process required a legal submission with witnessed affidavits. This TTNZ appeal process required me to obtain legal counsel. Due to this I incurred significant legal costs.

It is my opinion that I incurred significant legal costs because of the following:

- NHTTA refusing to engage in my concerns when raised
- NHTTA refusing to engage with TTNZ when my concerns were escalated to TTNZ
- NHTTA following an unfair and unreasonable process in coming to an unfair decision
- NHTTA denying me natural justice

- NHTTA contesting the appeal against my ban, despite informing the NHTT trust, 4 months earlier, that the NHTTA executive was aware that I had done nothing warranting a ban
- NHTTA refusing to engage in the original appeal process. It was this refusal that appeared to drive the TTNZ to dictate a formal legal appeal which then forced me to incur significant legal costs.

Even though I am a volunteer, and have been for over 20 years, I have been forced to use my personal finances to fight this appeal. But the persons who instigated this entire unfortunate process, who attacked my character, and who laid the farcical misconduct charges, have been allowed to use “table tennis money” to fund their personal vendetta against me. This is unacceptable.

Due to the above, **I request TTNZ instruct NHTTA to pay full costs for the appeal**

Due to significant misinformation in the public domain regarding my initial ban by NHTTA and subsequent very public suspension (with no explanation) from providing ratings by TTNZ **I request TTNZ publish their full decision overturning the NHTTA initial ban, as well as my appeal, including all evidence, in its entirety.**

On a further issue, as per my rights under the TTNZ constitution, I have raised concerns and misconduct charges with TTNZ regarding members of the NHTTA executive. There is a requirement for these to be adequately investigated and responded to by TTNZ.

These included, but are not limited to threatening and inappropriate behaviour, failing to adequately respond to complaints regarding bullying of kiwi sport school children, negligence causing injury, misleading the executive with false and/or untrue statements, submission of false and/or untrue statements in legal documents to TTNZ, concerns regarding grant allocation and financial irregularities regarding the reported theft of monies.

As per the TTNZ constitution there is a duty to investigate and come to a decision regarding these misconduct charges. I have provided substantive evidence of these to TTNZ and require a response to each.

I request that TTNZ investigate fully all misconduct charges raised by me in my appeal documents and respond accordingly.

As it has now been two years since raising these concerns I require a response to each issue within 1 month of today's date.

Yours Sincerely

Andrew Palmer