

## General Disputes Policy

This document is part of the Federation's Protests, Complaints and Disputes process as noted in the Federation's Constitution.

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1. A dispute is a disagreement or conflict involving the Federation and/or its Members in relation to specific allegations set out below.
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2. Disputes must be dealt with under the Constitution and applicable Rules and Regulations in a fair, efficient, and effective manner and in accordance with the provisions of the Act.
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3. The disagreement or conflict may be between any of the following persons—
    - a) 2 or more Members
    - b) 1 or more Members and the Federation
    - c) 1 or more Members and 1 or more Officers
    - d) 2 or more Officers
    - e) 1 or more Officers and the Federation
    - f) 1 or more Members or Officers and the Federation.
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4. The disagreement or conflict relates to any of the following allegations:
    - a) a Member or an Officer has engaged in misconduct.
    - b) a Member, the Federation, or an Officer has breached, or is likely to breach, a duty under the Federation's Constitution or bylaws or the Act.
    - c) a Member's rights or interests as a Member have been damaged or Member's rights or interests generally have been damaged.
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5. A Member or an Officer may make an allegation by giving to the General Manager (or the NZAFF Board) notice in writing that:
    - a) states that the Member or Officer is starting a procedure for resolving a dispute in accordance with the Federation's Constitution; and
    - b) sets out the allegation(s) to which the dispute relates and whom the allegation or allegations is or are against; and
    - c) sets out any other information or allegations reasonably required by the Federation.
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6. The Federation may make an allegation against a Member or an Officer by giving to the Member or Officer a notice in writing that:
    - a) states that the Federation is starting a procedure for resolving a dispute in accordance with the Federation's Constitution; and
    - b) sets out the allegation to which the dispute relates.
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7. Any allegation needs to be formally lodged in writing with the Federation within 7 days of the incident occurring.
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8. The information setting out the allegations must be sufficiently detailed to ensure that a person against whom an allegation or allegations is made is fairly advised of the allegation or allegations concerning them, with sufficient details given to enable that person to prepare a response.
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9. The General Manager (or Board or other duly authorised person) must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with its Constitution, ensure that the dispute is investigated and determined.
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10. The General Manager (or Board or other duly authorised person) may decide not to proceed further with an allegation if—
    - a) the allegation is considered to be trivial; or
    - b) the allegation does not appear to disclose or involve any allegation of the following kind:
      - i. that a Member or an Officer has engaged in misconduct:
      - ii. that a Member, an Officer, or the Federation has breached, or is likely to breach, a duty under the Federation's Constitution or bylaws or the Act:
      - iii. that a Member's rights or interests or Members' rights or interests generally have been damaged:
    - c) the allegation appears to be without foundation or there is no apparent evidence to support it; or
    - d) the person who makes the allegation has an insignificant interest in the Matter; or
    - e) the conduct, incident, event, or issue giving rise to the allegation has already been investigated and dealt with under the Constitution; or
    - f) there has been an undue delay in making the allegation.
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11. Assuming clause 10 above does not apply, the General Manager (or Board or other duly authorised person) will:
- a) then notify the member, Association or Region ("Respondent"), which is subject of the Dispute, of the nature of the allegation.
  - b) form a three person Disputes Hearing Panel ("Panel") to hear the Dispute.
  - c) nominate one of the 3 members of the Panel as chairperson of the Panel.
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12. The Panel will be made up of 3 persons, to serve as members, drawn from:

- the NZAFF Board,
- the Chairpersons or presidents of affiliated Regions or Clubs,
- Senior game Officials.

In forming the Panel due consideration will be given to any possible conflict and, to the extent possible, the elimination of such conflict. This may result in different panel composition depending on the team(s) involved.

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13. All parties to the Dispute are obliged to cooperate to resolve the dispute efficiently, fairly, and with minimum disruption to the Federation's activities.
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14. The parties to the allegation and the Panel, may consider and discuss whether a dispute could best be resolved through informal discussions, mediation, arbitration, or a tikanga-based practice. Where mediation or arbitration is agreed on, the parties will sign a suitable mediation or arbitration agreement
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15. A party who makes an allegation has a right to be heard before the Dispute is resolved or any outcome is determined.
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16. Without limiting clause 15 above, the right may be considered to be heard if—

- a) the party making the allegation has had a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); or
  - b) an oral hearing is held before the Panel; or
  - c) the Member's, Officer's, or Federation's written or verbal allegations are considered by the Panel.
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17. An oral hearing may be held if the Panel considers that an oral hearing is appropriate to ensure an adequate hearing.
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## **Appeals**

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18. Appeals must be lodged within 72 hours of the decision being announced.
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19. The basis of the appeal can only be on:

- a) The process leading to the decision did not follow the guidelines laid out in this document.
  - b) The decision contravened the Federation's Constitution or any Federation's Rules and Regulations.
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20. The onus is on the party making the appeal to show on the balance of probabilities that the appeal meets the above conditions.
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21. The process will then follow the same process as above starting at clause 11 above. The process will involve the formation of an Appeals Hearing Panel.
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22. The Appeals Hearing Panel will consist of different individuals to that of the Panel with the same process for selection as noted in point 12 above.
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23. A decision of the Appeals Hearing Panel may be the subject of an appeal to the Sports Tribunal by any party to the decision. In order to exercise this right of appeal, a written notice of appeal must be received by the Federation and an appeal filed with the Sports Tribunal within 72 hours of the provision of the written decision of the Appeals Hearing Panel.
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