

MEDIA RELEASE

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Sports Tribunal Allows Appeal by Volleyball Club

The Sports Tribunal allowed an appeal by Harbour Raiders Volleyball Club against a decision of Volleyball New Zealand (VNZ) declaring a player transfer null and void and stripping them of competition points.

Officials at VNZ approved the transfer of a player from another club to the Raiders and the player competed for the Raiders in four matches before being transferred to a different club.

Another club complained about the player representing the Raiders under a short term transfer. VNZ's Matchplay Committee made recommendations that the transfer be declared null and void. VNZ adopted the recommendations and stripped the Raiders of competition points which were awarded to opposition teams.

Some parties at the hearing argued that Raiders took a different approach from normal past practice in the way they made the transfer application (by first notifying a VNZ official about the intended transfer and obtaining his opinion rather than applying directly to the Operation Manager) and that normal internal practices at VNZ were not followed including that not all of the usual officials were consulted, who may have objected to the transfer. It was suggested adverse implications could be drawn against the Raiders by this deviation from normal practice and that the spirit of "fair play" was violated as the Raider's path was more likely to result in the transfer being approved, when in their opinion it should not. However, nowhere in the Transfer Rules is this "normal" practice and procedure specifically set out or required.

VNZ's position was that it accepted the transfer documents had been signed off by the relevant clubs and entered on VNZ registration records by VNZ staff and therefore ostensibly the transfer documentary formalities were met and VNZ would abide the Tribunal's decision as to the consequences of that.

A transfer was sought, granted by VNZ and publicised. Raiders were entitled to rely upon that even if it turns out in retrospect that other people might have been involved who may have asked questions or taken a different view. The applicable rules did not make their input essential. It was not open to VNZ to find fault with its own internal processes and visit the consequences upon the Raiders. If there were problems in the internal operation of the transfer regime that does not make the decision "null and void" in all the circumstances.

The Tribunal allowed the appeal, quashed VNZ's decision and ordered that the Raiders be returned to the position they were in before.

The decision in this case is available for download from the website of the Sports Tribunal (www.sporttribunal.org.nz). See *Harbour Raiders Volleyball Club v Volleyball New Zealand* (ST 05/13). Copies can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sporttribunal.org.nz).