

Independent Review into  
NZ Football

---

PUBLIC FINDINGS AND  
RECOMMENDATIONS

---

Phillipa Muir  
Partner  
Simpson Grierson

3 October 2018

## CONTENTS

	<b>Page</b>
A. Introduction and Context	
• Background	2
• Review Process	3
• Opening Comments	4
• Context	5
B. Public Findings	8
C. Public Recommendations	14
D. Acknowledgements	18
E. Appendices	
• NZF Code of Conduct	19
• NZF Terms of Reference	20

## A. INTRODUCTION & CONTEXT

### BACKGROUND

1. This Review arose from 13 written complaints<sup>1</sup> made by 12 Football Ferns players on 18 June 2018 (submitted to New Zealand Football (**NZF**) by the players' union, the NZ Professional Footballers' Association (**PFA**)). Those players were all employed under a collective employment agreement (**CBA**) entered into between NZF and the PFA (effective 1 January 2018 – 31 December 2020). The CBA covered the All Whites and Football Ferns represented by the PFA, and includes mutual obligations of respect, good faith and partnership, and provided for a “*shared vision of a successful All Whites team and a successful Football Ferns team*”.
2. The complaints were from PFA players who were members of the Football Ferns squad during one or both of that team's two most recent periods of assembly - in Spain (in March 2018) and Wellington (in June 2018) (**the Tours**).
3. The matters raised in the complaints were serious and alleged:
  - (a) Numerous, and different, breaches of the NZ Football Code of Conduct (**Appendix A**);
  - (b) Behaviour alleged to constitute “workplace bullying” within the relevant WorkSafe Guidelines; and
  - (c) A situation of workplace incompatibility (the complainants said they would not play for the Football Ferns if Mr Heraf remained their coach), which was alleged to be severe and irreversible.
4. On 19 June 2018 Stuff ran an article (after speaking to a Football Ferns player on the condition of anonymity) headed “*Details of Culture of intimidation in Football Ferns emerge as NZ Football prepares to launch inquiry*”.
5. On 20 June 2018 NZF announced that an independent reviewer would be appointed by the NZF Executive Committee (**ExCo**) in association with the PFA. NZF also advised that Andreas Heraf, the coach of the Football Ferns, would go on special leave, until the completion of the Review.<sup>2</sup>
6. On 29 June 2018 NZF announced that its Chief Executive, Andy Martin, was retiring at the end of the month. The terms of Mr Martin's departure from NZF are confidential. This limited what I can and have reported in this Review about Mr Martin.
7. On 6 July 2018 NZF announced that I had been appointed to conduct this independent, external Review. The terms of reference are annexed (**Appendix B**) and confirm that I was tasked with reviewing all of the formal complaints received concerning the behaviour of NZF staff and officers, together with any additional complaints made during the Review.

---

<sup>1</sup> One player made two separate complaints – about each of the two assemblies – meaning that there were twelve individual complainants.

<sup>2</sup> On 1 August 2018 NZF announced Mr Heraf's resignation (with immediate effect), before the completion of my Review.

8. The Terms of Reference required me to:
- (a) Determine whether any facts alleged were substantiated (to the balance of probabilities); and
  - (b) Assess whether there had been any:
    - (i) Breach/es of the NZF Code of Conduct;
    - (ii) Workplace bullying (as that term is defined in the relevant Work Safe Guidelines, *"Preventing & Responding to Bullying at Work"*); and/or
    - (iii) Other inappropriate work place conduct or behaviour.
  - (c) Irrespective of whether any of the allegations were substantiated, the Review was also to assess:
    - (i) Whether, and to what extent (if so), NZF knew about any of these allegations; and
    - (ii) NZF's response to such allegations and behaviours and an assessment of whether such response was adequate and appropriate.
  - (d) The Review was not to make any recommendations about any penalty to be imposed as a consequence of any allegations which are found to be substantiated.

## **REVIEW PROCESS**

9. The Review took place from July to September 2018. I was assisted in the Review by Matt Bartlett from Simpson Grierson and Marina Ohtsuka.
10. As part of the Terms of Reference, I was able to access all NZF materials that I regarded as relevant to the Review and I met (either in person, via skype etc or by telephone) with any person who may have had information relevant to the Review. NZF agreed to provide all necessary assistance to obtain and release requested materials; and to more generally support the Review, and they have done so.
11. To ensure the privacy of participants and confidentiality of the complaints, the following steps were undertaken:
- (a) An independent contact email ([reviewer@nzfootballreview.co.nz](mailto:reviewer@nzfootballreview.co.nz)) was set up and only Mr Bartlett, Ms Ohtsuka and I could access that email.
  - (b) Interviews took place at Simpson Grierson's premises, separate to NZF, to ensure confidentiality.
  - (c) An independent administrator (Mr Bartlett and/or Ms Ohtsuka) assisted with scheduling and Mr Bartlett typed up all of the interview notes, which are to remain confidential. They will not be provided to ExCo or otherwise.