

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Maree Elizabeth Cave
AND Keltern Stud Limited
REPRESENTATIVES Michael McAleer for the applicant
Magnus Macfarlane for the respondent
MEMBER OF AUTHORITY Gregory Wood
INVESTIGATION MEETING By way of conference call held on 9 May 2008
DATE OF DETERMINATION 9 May 2008

DETERMINATION OF THE AUTHORITY

1. Mr Macfarlane, on behalf of Mr Kelt of Keltern Stud, has applied for the investigation meeting into a preliminary point not to be held in public, or to only be open to the parties and their supporters, so as to preclude the presence of media representatives. He did so on the grounds that the issues to be investigated are matters of contract and do not present any public interest questions giving rise to a need for media attendance. Mr McAleer agreed on behalf of the applicant.
2. I declined the application on the basis of *Anderson v. The Employment Tribunal* [1992] 1 ERNZ 500 and *Davis v. Bank of New Zealand Limited* unreported, Shaw J, WC23/04, 29 November 2004. While the Authority is an investigatory body, not a Court, its investigations are judicial proceedings. Its determinations, like those of Courts, are freely available for publication, except when non-publication orders are made. It is well established principle that justice is best served when it is carried out under public scrutiny. The media is the main organ for ensuring such scrutiny can take place. All evidence should normally be given in public and accordingly be freely reportable.
3. Therefore it would be unusual to exclude the media from any investigation meeting. Thus there would need to be circumstances that reveal a real risk that the administration of justice would be rendered impractical if evidence was able to be reported before it would be right to exclude the media. No such grounds were made out on behalf of Keltern Stud. Simply because the issues being investigated involve private contractual rights is not enough. Most employment relationship problems brought before the Authority involve such rights. They are regularly reported by the media and parties must be presumed to understand that.

4. If the parties wish to have their problem addressed in a private forum then that is specifically provided for by mediation, including mediator decisions under s.150.

GJ Wood
Employment Relations Authority Member