

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON OFFICE**

**BETWEEN** Stuart Selwood

**AND** Board of Trustees of Queen Margaret College

**REPRESENTATIVES** Peter Churchman, counsel for Stuart Selwood  
Peter Kiely, counsel for Board of Trustees of  
Queen Margaret College

**MEMBER OF AUTHORITY** R A Monaghan

**DATE OF DETERMINATION** 20 March 2007

**DETERMINATION OF THE AUTHORITY ON  
PRELIMINARY MATTER**

[1] Stuart Selwood's employment relationship problem with his former employer, the Board of Trustees of Queen Margaret College, is currently the subject of an investigation in the Employment Relations Authority. The Authority began formally hearing evidence in the matter in an investigation meeting which took place on 6 and 7 March 2007. The meeting was adjourned part heard, the process of gathering evidence has not been completed and no determination (the term used for decisions of the Authority) has been issued.

[2] By letter dated 9 March 2007 Mr Kiely advised the Authority that a television reporter had been in contact with the respondent and advised it that Mr Selwood, his wife and other witnesses, as well as his son, had given interviews in respect of the issues before the Authority. Mr Kiely said the respondent's stance was that the matter was sub judice. He sought a direction as to whether the respondent's spokesperson could speak to the reporter about the issues before the Authority or whether remarks should be only of a general nature.

[3] In response, Mr Churchman referred to the following powers of the Authority under the Employment Relations Act 2000:

- (1) The Authority may, in investigating any matter, -  
(a)...:  
(e) decide that an investigation meeting should not be in public or should not be open to certain persons:  
(f) follow whatever procedure the Authority considers appropriate."

[4] Mr Churchman commented on the Authority's broad discretion regarding the conduct of investigation meetings, and said that appeared to include the jurisdiction to make rulings on issues relating to publicity. He said, too, that once witnesses had completed their evidence there appeared to be no reason, based on the requirements of the Employment Relations Act or public policy, for witnesses not to be free to comment on the matter.

[5] During a conference call convened to discuss these issues Mr Kiely advised that further approaches have been made to the respondent by the same television programme, a film crew has been filming outside the respondent's premises and a newspaper is soliciting comment from teachers employed by the respondent.

[6] It is necessary to make clear the Authority's position on acceptable media reporting of this employment relationship problem, and as a matter of urgency. I do so as an exercise of the Authority's power to follow such procedure as it considers appropriate, and issue the following directions accordingly.

### **Directions**

[7] I preface these directions by noting that the Authority's role is to resolve employment relationship problems by establishing the facts and making a determination according to the substantial merits of the case.<sup>1</sup> It is in the public interest that the independence and impartiality of the decision-making process be recognised, not undermined. It is also in the public interest that conduct which may be prejudicial, or appear to be prejudicial, to a fair hearing be prevented.

[8] Accordingly, and subject to further order of the Authority:

- (a) Print, television or radio interviews with people who have given or are to give evidence may be published or broadcast only after the Authority has issued its determination on the merits of the parties' employment relationship problem;
- (b) Direct reporting by the media of the evidence given during an investigation meeting is otherwise permissible, and is to be carried out in accordance with the legal and ethical obligations of media representatives reporting on civil proceedings in a court;

---

<sup>1</sup> Employment Relations Act 2000, s 157(1)

- (c) Filming, photography or sound recording in the meeting room, or its immediate vicinity, while the investigation meeting is continuing may be carried out provided the approval of the Authority has been obtained in advance.

**R A Monaghan**  
**Member of Employment Relations Authority**