

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2018] NZERA Wellington 25
3024633

BETWEEN JENNIFER VINCENT
Applicant

AND MARCO PRIMARY SCHOOL
BOARD OF TRUSTEES
Respondent

Member of Authority: Trish MacKinnon

Representatives: Fiona McMillan, Counsel for Applicant
John Unsworth, Counsel for Respondent

Investigation Meeting: 27 March 2018 at New Plymouth

Submissions Received: On the day from both parties

Determination: 3 April 2018

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Jennifer Vincent has applied to the Authority on an urgent basis for an interim injunction restraining her employer, the Marco Primary School Board of Trustees (the Board), from continuing her suspension. She seeks reinstatement to her duties and position as Principal at Marco Primary School and says her suspension since 8 February 2018 is both procedurally and substantively unjustifiable.

[2] The Board resists Ms Vincent's application. It says it placed Ms Vincent on special leave on pay on 8 February 2018. That special leave ended on 2 March 2018 and it says it suspended her in accordance with the terms of the collective agreement

under which she is employed on 1 March 2018¹. The Board says significant and serious matters had come to its attention since 8 February that justified its decision to suspend Ms Vincent while those matters were being investigated.

The Authority's Investigation

[3] The investigation into Ms Vincent's application for interim relief was conducted by way of affidavit evidence and oral and written submissions from the parties. Accordingly there has been no testing of the evidence at this time and any findings of fact made by the Authority in this determination are made on a provisional basis, subject to a full and thorough investigation of Ms Vincent's claims at the substantive hearing. It has been agreed this will take place from 7 to 9 August 2018.

[4] Ms Vincent has provided affidavits in support of her application. In addition to her own, affidavits have been provided by an Education Consultant and a Resource Teacher of Literacy. Ms Vincent has provided an undertaking as to damages.

[5] The Board has provided 12 affidavits to support its opposition to Ms Vincent's application. One is from an Education Consultant; one is from a postal contractor; eight are from parents of students currently attending Marco; five are from parents of current and/or past students of the school, including three current Board members, one of whom is the Chair; one is from a former teacher at Marco and one is from a current teacher at the school.

[6] Ms Vincent's application for urgency was accepted in a telephone conference with the Authority attended by her counsel and the respondent's counsel on 23 February 2018. The parties were directed to mediation on an urgent basis in the course of the telephone conference. It took place on 1 March but did not resolve the matter.

Relevant Facts

[7] Marco is a small rural primary school in Whangamomona, on the Forgotten World Highway. It has a current roll of 15 students from year one to year eight. Ms Vincent has been the Principal for more than 12 years. She is a sole charge Principal, although the school also funds another teacher and a staff member with a limited

¹ Primary Principals' Collective Agreement (17 May 2016 to 16 May 2018) (the collective agreement)

authority to teach (LAT) in addition to support staff. Ms Vincent lives in the school house adjacent to the school. Her brother, Rick Matthews, who is the school caretaker, also lives at the school house.

[8] On the afternoon of 8 February 2018, while Ms Vincent was working at the school, she received a visit from the Board Chair and two other Board members who gave her a letter informing her she was to be placed on a period of special leave on pay with immediate effect. The letter referred to a complaint that had been made against Mr Matthews by Alistair Dalziel, a teacher at the school.

[9] The letter informed Ms Vincent the Board had instigated an independent investigation into Mr Dalziel's allegations and it referred to concerns the Board had about some of her actions since the complaint was originally made. The letter noted that, if proven, those concerns could have a detrimental effect on the Board's trust and confidence in Ms Vincent as Principal of the school. It informed her the Board would be undertaking a disciplinary investigation under the terms of the collective agreement.

[10] Ms Vincent obtained legal advice and filed proceedings in the Authority on 16 February 2018 claiming unjustifiable disadvantage arising from an unlawful suspension.

[11] The Board provided its statement in reply on 28 February denying that Ms Vincent's placement on special leave was unjustified or that it constituted a disadvantage to her. It referred to an understanding it believed had been agreed between it and Mr Matthews that, pending an investigation into him, he would not be on school grounds during the day. It said this understanding had been communicated to Ms Vincent but that she had defied that instruction and had had Mr Matthews in the classroom and/or the staffroom during school hours.

[12] The statement in reply said the Board had also been told Ms Vincent had been talking to the Board Chair's children about the matter involving Mr Matthews, against instructions not to involve students, and that she had warned the children not to speak to their parents about this.

[13] It stated it had co-opted two new members on to the Board to deal with matters relating to Ms Vincent as the original Board was conflicted. Attached to the

statement in reply was a letter dated 27 February 2018 from the two co-opted board members under the heading Complaint/Allegations of Misconduct/Serious Misconduct.

[14] The letter noted it had received a number of complaints from parents and former staff members about Ms Vincent's alleged conduct at Marco School in the period from 1 December 2016 to 19 February 2018. Some of those letters, which included three from current Board members, were also attached to the statement in reply. One was dated 29 October 2008 while the three letters from current Board members were all dated 19 February 2018.

[15] The letter from the two co-opted Board members repeated some of the issues raised with Ms Vincent in the 8 February letter, and raised new issues including the Board's inability to access school records previously contained in the school's IT system. The letter speculated that Ms Vincent "*may have deliberately removed these.*" It also raised an allegation that she had failed to maintain staff employment records and a further allegation that staff had been employed without the requisite Police checks being carried out.

[16] The letter noted the writers' intention to make initial inquiries into the allegations to determine whether or not disciplinary procedures should be initiated. The co-opted Board members informed Ms Vincent that, because of the seriousness and number of the allegations, consideration would be given to placing her on suspension on pay under the provisions of the collective agreement whilst an employment investigation was underway. Ms Vincent was invited to make written submissions on either the suspension or the allegations by 11 a.m. on 1 March 2018.

[17] Through counsel, Ms Vincent sought further information about the allegations in order that she could properly respond. She received no response to that request from the Board which suspended Ms Vincent on 1 March 2018.

[18] By emailed letter dated 2 March the Board, through its legal counsel, notified Ms Vincent's counsel that her client's special leave was now at an end and that "*...in respect of the matters that were known to the Board of Trustees at that time there is no requirement for (Ms Vincent) not to be at the school*". The letter then referred to "*other matters*" that had come to the Board's attention, informing Ms Vincent these were being addressed separately.

[19] Ms Vincent lodged an amended statement of problem dated 9 March 2018 in which she claimed her suspension was both substantively and procedurally unjustified. She said she had insufficient time to respond to the co-opted Board members' request for her submissions and had no response to the request she made, through counsel, for further information to enable her properly to respond.

[20] An amended statement in reply was lodged in the Authority on 19 March 2018. In it the Board claims Ms Vincent was lawfully suspended in accordance with the provisions of the collective agreement.

[21] The two co-opted Board members resigned shortly after being appointed and a new Board member has been co-opted to investigate the allegations that have been made against Ms Vincent.

The collective agreement

[22] As noted earlier, Ms Vincent's employment conditions are those set out in the Primary Principals' Collective Agreement. Relevant provisions of the collective agreement are set out below:

Part 8 – Complaints/Discipline/Competency

8.1 General Provisions/Process

8.1.1 The following principles shall be used in addressing complaints, discipline and concerns regarding competence to ensure that such matters are, in the interests of all parties, fully and fairly addressed:

- (a) where such issues or concerns regarding competence arise the Board shall initiate informal discussions with the principal in an attempt to resolve the matter in an informal manner. This applies following receipt of a complaint and/or concern(s) being raised in relation to any of these matters. This will occur prior to formally commencing a disciplinary or competency process, unless the nature of the complaint or concern(s) is such that this would be inappropriate;
- (b) questions of competence, conduct and discipline should be handled in a manner which, as far as possible, protects the mana and dignity of the principal concerned. Principals may seek whanau, family, professional and/or NZEI Te Riu Roa support in relation to such matters.

...

8.3 Competency

8.3.1 Where there are matters of competency which are causing concern (for example failing to meet the primary principal's

professional standards), the Board shall put in place appropriate individual assistance and guidance to assist the principal; and for that purpose, may seek such appropriate professional advice as may be required.

8.3.2 Where this assistance and guidance has not remedied the situation, the Board shall initiate a competency process and the following provisions should govern the action to be taken:

- (a) the principal must be advised in writing of the specific matter(s) causing concern and what, if any, corrective action is required.
- (b) the principal is to be given a reasonable opportunity to remedy the matter(s) causing concern. This time frame shall be determined by the Board, may take into account any previous support or guidance, and shall be relevant to the matter(s) causing concern;
- (c) the process and results of any evaluation are to be recorded in writing, sighted and signed by the principal;
- (d) a copy of any report made to the Board shall be given to the principal;
- (e) no action shall be taken on a report until the principal has had a reasonable time to comment (in writing, orally or both);
- (f) if the above steps (a) – (e) fail to resolve the matter(s) of concern, the Board may, where justified, dismiss the principal in accordance with clauses 8.6 or 8.7 and without the need to follow the provisions of clause 8.4 below; and
- (g) a copy of any report given to the Education Council shall be given to the principal.

8.4 Discipline

- 8.4.1 The following will apply when specific disciplinary matter(s) are cause for concern.
- 8.4.2 The principal must be advised of the right to have representation at any stage.
- 8.4.3 The principal must be advised in writing of the specific matter(s) causing concern and be given a reasonable opportunity to provide an explanation. Before making a final decision, the Board may need to make further inquiries in order to be satisfied as to the fact of the specific matter(s) causing concern.
- 8.4.4 If misconduct is found to have occurred then the corrective action(s) that may be imposed, following an opportunity for the principal to comment, include:

- (a) counselling and/or mentoring intended to assist the principal to amend his/her conduct and/or change particular behaviours;
- (b) a verbal or written warning that includes advice of any corrective action required to amend his/her conduct and a reasonable opportunity to do so; and
- (c) a final written warning which includes advice of any corrective action required to amend his/her conduct and giving reasonable opportunity to do so.

8.4.5 The Board may also consider that the misconduct warrants dismissal with or without notice.

8.4.6 The process and any resulting action(s) are to be recorded, then sighted and signed by the principal and placed on his/her personal file.

8.4.7 A copy of any report in relation to this matter made to the Board or provided to the Education Council shall be given to the principal.

8.5 Suspension

8.5.1 (a) if the alleged conduct is deemed sufficiently serious a principal may be either suspended with or without pay or transferred temporarily to other duties.

(b) the Board shall not unless there are exceptional circumstances, suspend the principal without first allowing the principal a reasonable opportunity to make submissions to the Board about the alleged misconduct and the appropriateness of suspension in all of the circumstances. The Board shall take into account any submissions made by the principal before determining the matter of suspension.

(c) the Board shall use its best endeavours to ensure that the period of suspension is kept to the minimum possible consistent with ensuring that the allegations of misconduct are properly investigated and that the principal is treated fairly at all times.

(d) if the allegation that led to suspension is without substance the principal shall, unless he/she has resigned in the interim, be entitled to resume duties immediately and, if suspended without pay, to have that pay reinstated from the date of suspension.

...

Key legal principles

[23] The Authority may, under s. 127 of the Employment Relations Act 2000 (“the Act”), order the interim reinstatement of an applicant who has raised a personal grievance with his or her employer pending the hearing of the personal grievance. Section 127(4) requires the Authority, when determining whether to make an order for interim reinstatement, to apply the law relating to interim injunctions having regard to the object of the Act.

[24] Section 3(a) of the Act states the object of the Act as being:

...to build employment relationships through the promotion of good faith in all aspects of the employment environment and of the employment relationship –

- (i) by recognising that employment relationships must be built not only on the implied mutual obligations of trust and confidence, but also on a legislative requirement for good faith behaviour;

...

[25] The basis upon which applications for interim orders are determined is well established.² The applicant must establish there is a serious case to be tried, which will entail satisfying the Authority there is an arguable case of success in the substantive hearing of the matter.

[26] The next consideration is where the balance of convenience lies between the parties in the period between the Authority's determination of the current application and its determination of the substantive issues.

[27] The final consideration requires an assessment of where the overall justice lies until such time as the substantive investigation of the matter takes place.

Arguable case

[28] Counsel for Ms Vincent submits that the 8 February 2018 special leave Ms Vincent was placed on without her agreement was an unjustifiable suspension. She says that, regardless of how the Board described it, the result was that Ms Vincent was required to stay away from the school with no ability to be heard before that decision was made.

[29] Ms McMillan submits the second suspension imposed on 1 March, purportedly under the relevant provisions of the collective agreement, for new matters that had come to the Board's attention since 8 February was also unjustified. She argues that the time allowed for comment on the suspension was too limited and that her request for further information about the allegations had not been answered before the suspension was notified.

[30] Ms McMillan refers to the collective agreement provisions regarding the power to suspend a primary school principal, and cites the Employment Court as

² *Klissers Farmhouse Bakeries Ltd v Harvest Bakeries Ltd* [1985] 2 NZLR 129 at 142 (HC and CA)

authority for that power to apply only when the disciplinary process in clause 8.4 of the collective agreement has been commenced.³ She submits there is no power to suspend when there are performance issues to be managed under clause 8.3.

[31] Counsel also submits the Board had made no attempt to investigate the matters raised in its 8 February letter. Having concluded that those matters were at an end, it had gone looking for grounds to try to justify the suspension and had manufactured those grounds after the event.

[32] Turning to the question of whether there were substantive grounds for suspension, counsel for Ms Vincent submits one of the main reasons the Board opposes interim reinstatement is that Mr Matthews is no longer welcome at the school. In her submission the Board has made little attempt to justify Ms Vincent's suspension but has made a significant attempt to come up with ways to oppose her reinstatement.

[33] With regard to the process of Ms Vincent's suspension, Ms McMillan says the provisions of the collective agreement require the Board to give a principal a reasonable opportunity to make submissions about alleged misconduct, and about the appropriateness of suspension, before suspending her. In her submission it is self-evident Ms Vincent could not make submissions about the alleged misconduct without being given sufficient details of the allegations.

[34] She submits that, under the collective agreement, a principal can only be suspended during a disciplinary process and that process can commence only when the provisions of clause 8.4.3 have been met. Ms McMillan notes the collective agreement provides for suspension without consultation only in exceptional circumstances. She submits no exceptional circumstances were identified by the Board and none existed that justified Ms Vincent's suspension with or without consultation.

[35] The Board does not accept it suspended Ms Vincent on 8 February 2018. In its statement in reply it says it had taken advice from NZSTA⁴ before placing Ms Vincent on special leave on pay. It did not understand that what it was doing was a suspension and therefore there was no formal process it was required to follow.

³ Campbell v The Commissioner of Salford School [2015] NZEmpC 122

⁴ New Zealand School Trustees Association

[36] Counsel for the Board, Mr Unsworth, submits the Board had genuine concerns about Ms Vincent's behaviour giving it good cause to act as it did. In his submission Ms Vincent was not particularly disadvantaged by being placed on special leave because she was on full pay while potentially complicated matters were being resolved within the school.

[37] The Board acknowledges Ms Vincent's employment conditions were affected when she was formally suspended on 1 March. It submits it had good cause for the suspension, which was as a result of the serious concerns that had arisen since it had placed Ms Vincent on special leave on 8 February.

[38] Counsel for the Board says the concerns about the Principal were not confined to performance or competency issues and that a number of them related to misconduct. He submits the suspension was handled in a procedurally fair manner and there were exceptional circumstances justifying the short time frame for Ms Vincent to comment before the suspension was imposed. In submissions counsel explained those exceptional circumstances were that the parents of all 15 students had made clear their intention to remove their children from Marco Primary School if Ms Vincent were to return to her position.

[39] After considering the as yet untested evidence of the parties and submissions of respective counsel I find Ms Vincent's suspension commenced on 8 February 2018. While the Board called it "*special leave*", the collective agreement makes no provision for such leave. Other than suspension, the closest provision in the collective agreement would be the discretionary leave available under clause 7.8. The wording of that clause, however, makes clear it is leave that may be granted by the employer, not imposed by it against the will of the employee as in this situation.

[40] The Board lifted the 8 February suspension effective from 2 March but had replaced it with a further suspension effective from 1 March. The Principal had no opportunity to return to her role between the two periods of suspension which has effectively been continuous from 8 February to the current time.

[41] Whether or not the Board's actions were justifiable are to be determined on an objective basis by applying the test specified in s.103A(2) of the Act. In light of the circumstances in which the first period of suspension was imposed on Ms Vincent by the Board, I find she has an arguable case that her suspension was unjustifiable.

There is no evidence of investigation by the Board and no opportunity for Ms Vincent to make submissions on the suspension before it was imposed as required under the collective agreement.

[42] In relation to the second period of suspension, effective from 1 March, the Board gave Ms Vincent a short time frame to comment. The letter seeking her submission on the suspension and/or allegations in the letter was sent to her counsel in the evening of 27 February, with attachments sent later that night. Ms Vincent had effectively one working day to provide submissions on it.

[43] The Board's letter contained over 20 allegations, including some historic and current complaints about Ms Vincent's treatment of students, and her alleged failure to recognise a student's need for extra learning support. It included reference to a complaint from a former teacher relating to events in 2016 and March 2017, and listed allegations from another former teacher about her own treatment and that of her daughter. Two issues raised on 8 February were detailed again in the letter, this time with more information.

[44] The allegations appeared to be a mixture of performance/competence matters and concerns that were potentially misconduct or serious misconduct. The heading of the letter suggests all allegations were treated by the Board as complaints and allegations of misconduct or serious misconduct. The letter did not separate the more than 20 allegations into categories. This is important in the context of the collective agreement's suspension provisions as the Employment Court has found they relate to misconduct which is the subject of disciplinary process in clause 8.4 rather than to the competency process in clause 8.3.⁵

[45] It was reasonable for Ms Vincent to seek clarification and further information about the allegations in the Board's letter to enable her to address them properly. She sought that information, through counsel, by letter of 1 March. She itemised the areas where specific information was required and she requested copies of complaints and statements the Board had referred to in its letter of 27 February, but not provided.

[46] The collective agreement provides that the Board shall not, unless there are exceptional circumstances, suspend a principal without giving the principal a "*reasonable opportunity*" to make submissions to it about the alleged misconduct and

⁵ n5 at [183]

the appropriateness of suspension.⁶ The Board's letter of 1 March notifying the decision to suspend Ms Vincent said it had considered her counsel's letter seeking further information. However, its position was that the matters raised were of "*such a potentially serious nature and the circumstances ...so exceptional*" that Ms Vincent was to be suspended on pay until the employment investigation was completed.

[47] The Board's letter did not identify the exceptional nature of the circumstances upon which it had made its decision. The Board, through counsel, did so in submissions at the Authority's hearing, as I have noted at paragraph 38 above.

[48] On the basis of the untested evidence I find Ms Vincent has an arguable case that the second suspension imposed on her on 1 March was also an unjustifiable action. If exceptional circumstances existed, they should have been conveyed to Ms Vincent at the time. Imposing a further period of suspension on her, on the basis of a large number of allegations, many of which it was impossible for her to answer without further detail, and without providing the detail she requested was arguably unfair.

[49] In relation to both periods of suspension, Ms Vincent's personal grievance is that she has been unjustifiably disadvantaged by the actions of her employer. The Employment Court has confirmed that "*(i)t is well-established that a suspension of an employee from employment is a disadvantageous action as far as the employee is concerned*"⁷.

[50] Ms Vincent has continued to receive her full remuneration during the period of suspension but has deposed as to the distress as well as feelings of shame and helplessness she has experienced since the events of 8 February.

[51] For the purposes of this determination I find Ms Vincent has an arguable case that she has been unjustifiably disadvantaged by being suspended over two different but continuous periods from 8 February to the present time.

Balance of convenience

[52] This requires considering the detriment that Ms Vincent and the Board may incur as a result of interim reinstatement being granted or not. It also entails an

⁶ n1 at clause 8.5

⁷ *Sefo v Sealord Shellfish Ltd* [2008] 178 at 188 (paragraph 40)

inquiry into whether an adequate alternative remedy is available to Ms Vincent if she is not reinstated but is ultimately successful in her claims.

[53] The Board submits reinstatement of Ms Vincent would not be a workable solution to the problem. The Board Chair, Walter Pease, expressed concern in his affidavit that if Ms Vincent were to be reinstated her brother, Mr Matthews, would remain in the community with her. Mr Pease deposed bluntly that the community did not want either of them. Another Board member, Simon Faull, deposed that Marco was “a *great little school*” but that “*(u)nfortunately the Principal does not fit*”.

[54] In his submissions counsel for the Board highlighted the fact that all parents of students at Marco Primary School have sworn affidavits that they will remove their children if Ms Vincent returns to the school. This includes the four Board members whose children currently attend Marco.

[55] Mr Unsworth submits a possible outcome of all parents withdrawing their children would be, in the absence of others wishing to enrol, the closure of the school following a Ministry of Education community consultation process. In his submission it is a fruitless endeavour for Ms Vincent to seek reinstatement to a school that will have no children. He says “*(t)here will be no school and the community quite clearly do not want her back*”.

[56] Counsel further submits that the balance of convenience favours Ms Vincent “*walking away*”. He submits that her continuing to seek reinstatement “*can only be seen as a hostile act towards the School as it is intentionally destroying the School and the community it is based around*”.

[57] With regard to alternative remedies, counsel for the Board submits damages are an adequate alternative remedy to reinstatement.

[58] Ms Vincent has been away from her position since 8 February 2018 which, at the time of writing this determination, is seven and a half weeks. She deposes this is a crucial time of year for getting the students settled back into routines and into their new year levels. She has already missed important events such as a school camp and records in an affidavit her view that the longer she remains suspended the harder it will be for her to reintegrate into the school community and ensure she has the trust and respect of all the parents and the school community.

[59] Although distressed by her suspension, Ms Vincent deposes a strong commitment to working constructively with the Board in the best interests of the school if reinstated. She would be amenable to working with the Board to prepare a return to work plan. In her affidavit in reply to those of the Board, Ms Vincent says that many of the matters referred to in those affidavits have never previously been raised with her.

[60] Counsel for Ms Vincent submits that the longer she is away from her position the more her reputation in the local and wider community suffers and the more stress she experiences. In Ms McMillan's submission no amount of monetary compensation would remedy those problems and the only way to address the significant disadvantage Ms Vincent continues to suffer is to reinstate her until the matter is resolved.

[61] Counsel further submits that it would be wrong to allow the preferences of some Board members to determine whether or not Ms Vincent should return to her position. She emphasises the importance of following processes set out in the collective agreement and under education legislation for resolving such matters and submits important decisions relating to state schools should not be made on the basis of threats of retaliation from parents or Board members.

[62] I agree with counsel for Ms Vincent. I have considered carefully the submissions of both parties and the affidavits each party has provided. I do not discount the statements of Board members and parents of students regarding the withdrawal of their children in Ms Vincent were returned to her position until such time as her substantive grievances are determined. However, I agree with counsel for Ms Vincent that there are processes to be followed where concerns arise with a principal's performance or conduct.

[63] As yet, Ms Vincent has not received the detail of the allegations contained in the Board's 27 February 2018 letter, nor had the opportunity to respond to them. There has been no investigation of those matters, some of which relate to competency and some to misconduct. Until such time as processes have been undertaken in accordance with the provisions of the collective agreement, threats to withdraw students are premature and indicate predetermination of the allegations.

[64] The issue of where the balance of convenience lies should not be determined by threats of withdrawal of children from the school by parents the majority of whom are four Board members. I would hope the Board and wider school community would reconsider the positions they have adopted.

[65] I accept Ms McMillan's submission that damages would not be an adequate alternative remedy in light of the continuing adverse effect on Ms Vincent. I agree that the longer she remains away from the school the more difficult her reintegration into the life of the school becomes.

[66] Considering all factors I find the balance of convenience favours the interim reinstatement of Ms Vincent to her position of principal.

Overall justice

[67] I am required, having considered the other tests for interim reinstatement to stand back and consider where the overall justice lies until such time as the substantive investigation of the matter takes place. This includes reflecting on the strengths of the respective parties' cases, bearing in mind that there has not yet been an opportunity for testing of the evidence.

[68] I have found Ms Vincent has an arguable case to have been unjustifiably disadvantaged by the actions of the Board in placing her on special leave, which I find to have been a suspension, on 8 February 2018. I have also found she has an arguable case in respect of the second and continuous suspension on 1 March.

[69] As far as can be established on the basis of as yet untested evidence, I find her case to be relatively strong. I have also found the balance of convenience favours interim reinstatement. With these factors in mind I find overall justice favours interim reinstatement.

Determination

[70] Ms Vincent is to be reinstated to her position of Principal at Marco Primary School with immediate effect, until such time as her substantive claims have been determined in the Authority.

Costs

[71] The issue of costs is reserved.

Trish MacKinnon
Member of the Employment Relations Authority