

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Stuart Miller (Applicant)

**AND** The Attorney General on behalf of The Commissioner of New Zealand Police (Respondent)

**REPRESENTATIVES** Mark Ryan, Counsel for Applicant  
Helen Gilbert, Counsel for Respondent

**MEMBER OF AUTHORITY** Alastair Dumbleton

**INVESTIGATION MEETING** 26, 27 and 31 May 2005

**DATE OF ORDER** 30 June 2005

**ORDER OF THE AUTHORITY**

[1] In the course of the investigation into this employment relationship problem the Authority heard and examined the evidence of a number of witnesses presented by the applicant, Senior Constable Stuart Miller, and by the respondent, The Commissioner of Police.

[2] Inspector Janet Hope was one of those witnesses. Some of her evidence at the beginning was heard in camera at the direction of the Authority, for reasons given to counsel beforehand. Only the Authority and counsel, Mr Ryan and Ms Gilbert, were present to hear that first part of her evidence, which I made the subject of a non-publication order under clause 10 of Schedule 2 of the Employment Relations Act 2000.

[3] That order was however expressed to be an interim one, applying only until further review by the Authority at a later stage in the investigation when the order would be either discharged or made permanent.

[4] Before completion of the investigation the Authority directed the parties to undertake further mediation. This was provided and resulted in a settlement. Again, thanks are due to the Mediation Service for promptly stepping in and helping the parties obtain a more constructive outcome than a decision imposed on them was likely to achieve in the extraordinary circumstances of the case.

[5] There is no opposition to the course I now take of making the interim non-publication order a permanent one. It is in the interests of justice that the initial part of Inspector Hope's evidence as given in camera, should not be published. This is so that the integrity of the parties' settlement is maintained. Non-publication is also an order the Authority should make under s.157 of the Act to support the on-going employment relationships with the Police of Senior Constable Miller and Inspector Hope.

[6] The interim order of 27 May 2005 is made permanent, accordingly.

A Dumbleton

**Member of Employment Relations Authority**