



DOIA 1617-1206

27 April 2017

Luke Chandler

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Dear Luke

Thank you for your email of 1 April 2017 to the Ministry of Business, Innovation and Employment (the Ministry) containing the following Official Information Act 1982 (the Act) request:

I am making a request for the following information, adding scope to my original request, in relation to the Employment Relations Authority;

- *What is the reason [for] video conferencing?*
- *What grounds would video conferencing be made available?*
- *Would video conferencing provide better access to justice?*
- *Does video conferencing negate the validity of the evidence given?*

Video conferencing is sometimes used by the Employment Relations Authority (ERA) to conduct meetings involving parties in different locations, and usually takes place in Ministry offices located in different parts of the country as the Ministry provides support to the ERA.

Sometimes, the ERA makes use of this facility to take evidence from witnesses; however, typically a witness needs to access one of the Ministry offices where the video conferencing facility is available. Less commonly, the Ministry and the ERA will make use of privately owned video conferencing facilities. Whether the ERA uses video conferencing facilities to take evidence is always a matter for the presiding Member to decide. Sections 160 and 173 of the Employment Relations Act 2000 give the ERA wide powers in this regard.

It is very unusual for a party (i.e. applicant/respondent, as distinct from a witness), to give evidence via video conferencing, and even more so when issues of credibility are in issue. It is up to the presiding Member to determine the best way to serve the interests of justice. The use of such technology can provide an opportunity for a party to give evidence from a remote location, but only where that opportunity does not outweigh the rights of the other party to the employment relationship problem.

Evidence via video conferencing can have probative value but nothing is as effective as personal attendance. All parties have equal opportunity to present their case and evidence, whether in person or through the use of video conferencing.

Yours sincerely



Allan Galloway
National Manager Case Management