

BEFORE THE REAL ESTATE AGENTS DISCIPLINARY TRIBUNAL

[2017] NZREADT 71

READT 022/15

IN THE MATTER OF

Charges under s 91 of the Real Estate
Agents Act 2008

BROUGHT BY

COMPLAINTS ASSESSMENT
COMMITTEE (CAC 304)

AGAINST

CHRISTOPHER CHAPMAN
Defendant

On the papers

Tribunal:

Hon P J Andrews (Chairperson)
Mr G Denley (Member)
Ms C Sandelin (Member)

Date of Ruling:

27 November 2017

RULING OF THE TRIBUNAL
(Request by Newsroom NZ Ltd for disclosure)

Introduction

[1] The Tribunal's hearing of charges against Mr Chapman has been adjourned part heard, and is to resume on 8 December 2017.

[2] The Tribunal has received a request (dated 13 November 2017) from Mr D Williams, a reporter for Newsroom NZ Ltd, to be provided with "electronic copies of all submissions and briefs of evidence for the hearing related to 593 Colombo Street", together with the transcripts of the hearing. In an earlier request (dated 6 November 2017), Mr Williams requested "any papers regarding this matter – including but not limited to, a summary, including the names of the parties, and any public decisions".

Submissions

[3] Consistently with the Tribunal's processes, Mr Williams' request was forwarded to counsel for Complaints Assessment Committee 304 ("the Committee"), and counsel for Mr Chapman. Counsel for the Committee abides the decision of the Tribunal.

[4] Counsel for Mr Chapman submits that Mr Williams' request should be refused until after the delivery of closing submissions. He submitted that:

[a] Newsroom NZ Ltd has not attended the hearing to date;

[b] Reports have been published and broadcast from those journalists who attended the hearing;

[c] Mr Williams will have the opportunity to attend the resumed hearing on 8 December, after which it is likely that further reports will be published and broadcast;

Discussion

[5] Pursuant to s 107 of the Real Estate Agents Act 2008 ("the Act"), hearings of the Tribunal must be held in public, unless the Tribunal is of the opinion that, having regard to the private interests of any person, and the public interest, it is proper to hold

a hearing, or part of a hearing, in private. In the present case, the earlier days of the hearing (6 to 8 November) were in public. Media representatives attended the earlier days of the hearing. Mr Williams did not. The resumed hearing on 8 December will also be in public. Mr Williams is entitled to attend the resumed hearing, as are other media representatives.

[6] None of the media representatives who attended the earlier days of the hearing requested from the Tribunal, or were given, copies of any documents relating to the hearing, or of the transcript of the hearing.

[7] In the circumstances, the Tribunal does not consider it appropriate to provide Mr Williams with the material requested by him.

[8] Pursuant to s 113 of the Real Estate Agents Act 2008, the Tribunal draws the parties' attention to s 116 of the Real Estate Agents Act 2008, which sets out appeal rights. Any appeal must be filed in the High Court within 20 working days of the date on which the Tribunal's decision is served. The procedure to be followed is set out in part 20 of the High Court Rules.

Hon P J Andrews
Chairperson

Mr G Denley
Member

Ms C Sandelin
Member