

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN A (Applicant)
AND B (Respondent)
REPRESENTATIVES Mr M Crotty and Mr L Turner, counsel for applicant
Ms P Muir and Ms N Dines, counsel for respondent
MEMBER OF AUTHORITY Alastair Dumbleton
CONSIDERATION OF PAPERS 27 October 2005
DATE OF DETERMINATION 27 October 2005

DETERMINATION OF THE AUTHORITY

Removal application

- [1] An employment relationship problem between the applicant and the respondent has been brought to the Authority for it to resolve. There has been mediation.
- [2] At the same time an application has been made under s. 178 of the Employment Relations Act 2000 to remove the matter to the Employment Court, for the Court to hear and determine it without the Authority investigating.
- [3] This determination is concerned only with the removal application.
- [4] Those having the closest if not the only interest in this determination of the removal application, are the applicant and respondent parties. As the Authority has decided to grant removal, because there are grounds for doing so, and as both parties have consented to removal, nothing more needs to be said in this determination about the employment relationship problem or the grounds for its removal. Both parties will get what they asked for.
- [5] The parties' names and details about their problem are also the subject of non-publication orders issued earlier by both the Authority and the Court. Those orders remain in force and the maintenance of them is a further reason why the content of this determination is confined to my bare conclusion on the matter requiring determination, as permitted by s.174(a) of the Act,

Determination

[6] The conclusion of the Authority is that the removal application will be granted because one or more of the statutory grounds for removal has been made out. It is noted that the Court in a minute to the parties dated 20 October 2005, directed the filing of the removal application and also anticipated that it would be granted by the Authority.

[7] Orders are granted as sought.

Prohibition of publication

[8] An order is made by the Authority under clause 10 of the Second Schedule to the Act prohibiting publication of the names of the applicant and the respondent. That order will remain in force until further order of the Court.

A Dumbleton

Member of Employment Relations Authority