

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 42A/10
5164737

BETWEEN AUCKLAND CITY COUNCIL
Applicant

AND LEIGH REDSHAW
Respondent

Member of Authority: K J Anderson

Representatives: K Burson, Counsel for Applicant
E Hartdegen, Counsel for Respondent

On the Papers: 11 March and 15 March 2010

Determination: 19 March 2010

DETERMINATION OF THE AUTHORITY

Application for Removal of Matter to the Employment Court

[1] The Authority has issued two determinations pertaining to the parties involved in this application. Firstly there is a determination dated 28th September 2009 regarding a preliminary 90 day issue pursuant to s.114 of the Employment Relations Act 2000 (“the Act”).¹ On 23rd October 2009, Mr Redshaw filed with the Employment Court, a non-de novo challenge to this decision. On 2nd February 2010, the Authority issued a determination regarding the substantive matter pertaining to Mr Redshaw’s arrears claims.² On 1st March 2010, the Auckland City Council (“the Council”) filed with the Employment Court, a de novo challenge to this decision.

[2] On 11th March 2010, the Authority received an application from the Council for the removal to the Employment Court “*for hearing and determination of that part of the proceedings lodged with the Authority under file number 5154737 which*

¹ AA 346/09

² AA 42/10

remains to be determined by the Authority following its determination dated 2 February 2010 (AA 42/10).” In the response to the application for removal dated 15th March 2010, counsel for Mr Redshaw informs that he does not oppose the application.

Determination

[3] Having determined the two matters currently before the Court, obviously I am very familiar with the subject matter involved. Apart from the fact that the parties consent to the removal of to the Court, pursuant to s.178(2)(c) of the Act, it is established that; *“the Court already has before it proceedings which are between the same parties and which involve the same or similar or related issues.”*

[4] Therefore, I conclude that it is appropriate that the matter concerning the resolution of any wage arrears due to Mr Redshaw, as set out in the determination of the Authority (AA 42/10), being also the substantive subject matter of the Council’s de novo challenge, should be removed to the Court. It is so ordered. There will be no order for costs.

K J Anderson
Member of the Employment Relations Authority