

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN David Bailey & Wayne Ngatuere

AND NZL Group Ltd

REPRESENTATIVES Simon Mitchell for applicants
Jane Latimer for respondent

MEMBER OF AUTHORITY Janet Scott

CONFERENCE CALL 6 September 2006

DATE OF DETERMINATION 13 September 2006

INTERIM DETERMINATION BY CONSENT OF THE PARTIES

Employment Relationship Problem

The applicants submit they have been unjustifiably dismissed. They seek interim reinstatement, reinstatement, lost remuneration, compensation pursuant to s.123 (1)(c)(i) and compensation for loss of superannuation benefits.

Interim Consent Determination

During a telephone conference convened on 6 September 2006 counsel for the parties agreed to a process to progress the matter. By consent their agreement is recorded as an interim determination.

The parties have agreed:

1. The respondent will provide to counsel for the applicants one copy only of the selection schedule for all of the employees. Mr Mitchell, counsel for the applicants, undertakes not to copy the schedule.
2. The schedule will be shown only to the applicants, full time officials of the Maritime Union and to their counsel. Anyone who is shown the schedule will sign a confidentiality undertaking before seeing the schedule. Mr Mitchell will provide those written undertakings to Jane Latimer, counsel for the respondent.
3. Points allocated to persons other than the applicants will be suppressed in the Authority's substantive determination.
4. By close of business on Tuesday 12th September 2006 the applicants will file affidavits as to why they do not accept the points that have been allocated to them, and;

5. By close of business on Thursday 28 September 2006 the respondent will file evidence that they say justifies the selection of the applicants for redundancy.
6. The parties agree to attend mediation with a view to resolving the problem between them. The parties are liaising directly with the Mediation Service to obtain a date for mediation. Mr Mitchell will advise the Authority whether or not the matter is resolved in mediation.
7. In the event the matter is not resolved in mediation an Investigation Meeting has been set down for 9 November 2006 and the parties have been advised by the Authority of the date and timetabling arrangements for that meeting.

By consent of the parties the agreements set out above become the Order of the Authority

Janet Scott
Member of Employment Relations Authority