

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2020] NZERA 403
3073712

BETWEEN MJU
Applicant

AND NLP
Respondent

Member of Authority: Michael Loftus

Representatives: Shayne Boyce and Kevin Murray, advocates for the
Applicant
Geoff Davenport, counsel for the Respondent

Investigation Meeting: 12 and 13 December 2019 at Dunedin and
16 December 2019 at Wellington

Date of Determination: 6 October 2020

CONSENT DETERMINATION OF THE AUTHORITY

[1] On 16 December 2019 the investigation was adjourned part heard. Since then the parties have been in discussion and resolved the matter. They now ask I record their settlement as a consent determination. I accept the request.

[2] The terms of settlement, which now have the status of orders of the Authority are recorded as follows:

Terms of the Consent Determination

- a. MJU has withdrawn his proceedings against NLP in their entirety.
- b. The parties have reached the following agreement on costs, given the withdrawal of proceedings by MJU, and the same are now recorded in this Determination by Consent.
- c. MJU is to pay the following sums to NLP, on the following timetable:

- i. An initial payment of \$800, to be paid by no later than 16 October 2020;
 - ii. Thereafter a payment of \$100 every fortnight, namely by no later than 5pm on each of 30 October 2020, 13 November 2020, and on every fortnight after 13 November 2020 without exception and irrespective of the circumstances, until such time as the overall total paid to NLP by way of a contribution to its legal costs is six thousand dollars (\$6,000.00).
- d. NLP, via its legal representative, will email to Shayne Boyce and Kevin Murray, the bank account number into which the above payments are to be made, by no later than 15 October 2020.
 - e. MJU's agreement to the above, has been confirmed in writing by his duly authorised representatives (Shayne Boyce and Kevin Murray), and the importance of this agreement and its terms being honoured in full is further reinforced by the Undertaking as to Damages previously filed by MJU in these Employment Relations Authority proceedings.
 - f. NLP's agreement to the above, has been confirmed in writing by its duly authorised representative, Geoff Davenport.

[3] The publication of some information discussed during this investigation is prohibited by order of the District Court. It follow a similar order must be applied to the Authority's proceedings. Accordingly I order a prohibition on the publication of anything which might identify NLP and/or MJU's occupation.¹

Michael Loftus
Member of the Employment Relations Authority

¹ Clause 10 of schedule 2 of the Employment Relations Act 2000