

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Jonathan Muncey (Applicant)
AND Garry Lloyd (Respondent)
IN ATTENDANCE Jonathan Muncey and Calum Finlayson in person by Telephone
MEMBER OF AUTHORITY P R Stapp
TELEPHONE CONFERENCE 18 August 2006
DATE OF DETERMINATION 18 August 2006

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] A statement of problem (dated 26 May 2006) was filed in the Authority on 6 June 2006 by Mr Muncey claiming one week's pay while he was on ACC.

[2] Mr Muncey attended mediation provided by the Department of Labour. As a result the parties agreed for the Mediator to make a final and binding decision between Mr Muncey and his employer, Redican Allwood Limited ("Redican-Allwood") (Garry Lloyd is cited as the Respondent in the Authority's proceedings). The Mediator decided that he did not have jurisdiction on the ACC related matter because there was a dispute over whether or not Mr Muncey's accident was work related. The Mediator outlined the ACC process for the Applicant and the Respondent to follow.

[3] Mr Muncey has returned to the Authority because he is dissatisfied with the Mediator's decision on jurisdiction.

My Conclusion

[4] I have no jurisdiction because the parties agreed for the Mediator to make a final and binding decision under s150 of the Employment Relations Act (the Act). The mediator's decision says the agreement of both parties was obtained. From the Mediator's decision I presume the parties' agreed that Mr Muncey's employer was Redican-Allwood. The Mediator's decision made under s 150 of the Act is final and binding. Therefore, I have no jurisdiction and the matter cannot be brought before the Authority or the Court for action, appeal, application for review, or otherwise (see s150 (3)).

[5] Redican-Allwood has agreed to comply with the Mediator's decisions on the other matters decided.

[6] There is no issue on costs.

[7] The matter in the statement of problem dated 26 May 2006 cannot be investigated further by the Authority.

P R Stapp
Member of the Authority