



# New Zealand Employment Relations Authority Decisions

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## Seymour v Chatham Island Farm Limited (Auckland) [2017] NZERA 56; [2017] NZERA Auckland 56 (1 March 2017)

Last Updated: 9 March 2017

### IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2017] NZERA Auckland 56  
3004072

BETWEEN GARY KENNETH SEYMOUR Applicant

A N D CHATHAM ISLAND FARM LIMITED

Respondent

Member of Authority: Anna Fitzgibbon

Representatives: Leo Watson, Counsel for Applicant

David Liu, Counsel for Respondent

Investigation Meeting: 1 March 2017, by telephone conference at Auckland

Date of Determination: 1 March 2017

### PRELIMINARY DETERMINATION OF THE EMPLOYMENT RELATIONS AUTHORITY

**A. Until further order of the Authority, the applicant is entitled to remain in the farm house on the respondent's farm, occupied by him as at the date of the filing of the Statement of Problem in the Authority, being 28 February 2017.**

### **B. Costs are reserved. Employment relationship problem**

[1] The respondent, Chatham Island Farm Limited (the company) owns the

Waitangi West farm on the Chatham Islands.

[2] The applicant, Mr Seymour was employed as the farm manager and lived in a

worker's cottage on the farm until his dismissal by the company on 28 February 2017.

### **Application for urgent interim reinstatement - 28 February 2017**

[3] Mr Seymour has filed a statement of problem, an application for urgent reinstatement to his role, together with an affidavit in support and an undertaking as to damages. Mr Seymour claims he was unjustifiably dismissed and seeks, among other remedies, interim reinstatement to his position, until the Authority determines his substantive claim.

[4] The company accepts its dismissal of Mr Seymour was procedurally unjustified but strongly claims it to have been substantively justified and that it has suffered serious losses as a result of Mr Seymour's actions.

### **Urgent timetable conference – 1 March 2017**

[5] Mr Watson for Mr Seymour sought an order from the Authority concerning Mr Seymour's entitlement to remain in the accommodation he has been occupying on the farm, pending determination of his employment relationship problem.

[6] An urgent timetable conference was scheduled and Counsel for both parties filed helpful memoranda in the Authority prior to the conference. As a result of the conference, the Authority has set timetables for the investigation and determination of the application for interim reinstatement and the investigation and determination of Mr Seymour's substantive claim.

[7] The parties have been directed to urgent mediation.

### **Determination**

[8] Until further order of the Authority, the applicant is entitled to remain in the farm house on the respondent's farm, occupied by him as at the date of the filing of the Statement of Problem in the Authority, being 28 February 2017.

### **Costs**

[9] Costs are reserved.

**Anna Fitzgibbon**

**Member of the Employment Relations Authority**

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