

**Attention is drawn to the paragraph prohibiting publication of certain information**

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2011] NZERA Christchurch 161  
5337459

BETWEEN                      ANDREW ALAN TODD  
Applicant

AND                              GLENMAVIS LTD &  
GLENMAVIS FARM  
PARTNERSHIP (2007)  
Respondents

Member of Authority:        Philip Cheyne

Representatives:             Jim Guest, Counsel for Applicant  
Len Andersen, Counsel for Respondents

Submissions received:        19 October 2011 from Applicant  
19 October 2011 from Respondents

Determination:                20 October 2011

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**DETERMINATION OF THE AUTHORITY**

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[1]     On 12 August 2011 this personal grievance claim was scheduled for an investigation meeting on 2 & 3 November 2011. As is usual a notice of directions and a notice of meeting were sent to the parties shortly after the phone conference.

[2]     By counsel's memorandum lodged with the Authority, the respondent applies for me to recuse myself on the grounds that Ms Walker still gets upset about her involvement in a September 2007 Authority matter dealt with by me, to the extent that she would not be able to attend the investigation meeting if I was to preside over it.

[3]     With this determination as released to the parties is a copy of the Authority's notice of direction in respect of that earlier matter. Paragraph [2] deals with the incident now relied on by Ms Walker. To protect Ms Walker's privacy I will make an order prohibiting the publication of paragraph [2] of the notice of directions dated

13 September 2007. It will be apparent that the situation now complained about by Ms Walker arose from default by one of the present respondents. In addition, if the last mentioned circumstance had been explained to the Authority in 2007 when Ms Walker was phoned I would have deferred the call to a more suitable time. Unfortunately Ms Walker first gave other insubstantial reasons to delay dealing with the matter in circumstances where there had already been considerable inexcusable delay by one of the present respondents. She finally mentioned the matter now relied on by her and terminated the phone call. There was no intention on the Authority's part to upset Ms Walker and I regret any upset that was caused.

[4] For the reasons set out in the submissions by counsel for the applicant I decline to recuse myself. In particular, the grounds relied on do not fall within any of the recognised branches of bias, the application is late and any recusal now would unnecessarily delay the progress of this matter.

Philip Cheyne  
Member of the Employment Relations Authority