

ATTENTION IS DRAWN TO  
THE ORDER PROHIBITING  
PUBLICATION OF CERTAIN  
INFORMATION REFERRED  
TO IN THIS DETERMINATION

Determination Number: WA 33/05

File Number: WEA 363/04

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON BRANCH**

<b>BETWEEN</b>	Josephine Tucker (first applicant)
<b>AND</b>	Judith Dalziel (second applicant)
<b>AND</b>	ABC Realty Limited (first respondent)
<b>AND</b>	Mark Daly (second respondent)
<b>AND</b>	Karen Buckley (third respondent)
<b>REPRESENTATIVES</b>	Mike Andrews for the applicants Costas Matsis for the respondents
<b>MEMBER OF THE AUTHORITY</b>	Denis Asher
<b>INVESTIGATION MEETING</b>	Palmerston North, 24 February 2005
<b>DATE OF DETERMINATION</b>	25 February 2005

**CONSENT DETERMINATION OF AUTHORITY**

## **Employment Relationship Problem**

1. The applicants said the problem for the Authority to resolve was a breach of contract and/or unjustified dismissal and/or action – statement of problem received on 1 October 2004.
2. The first respondent said the applicants' dismissals were due to genuine redundancies and that it followed procedures that in all the circumstances were appropriate and fair – statement in reply received on 26 October.
3. The parties underwent mediation but their employment relationship problem remained.
4. The parties agreed to a one-day investigation in Palmerston North on 24 February, commencing at 9.30 a.m. They usefully supplied in advance of the investigation written statements and an agreed bundle of documents. During the investigation it emerged that the first applicant had recently been granted legal aid.

## **Settlement Reached**

5. During the investigation the parties reached a settlement and asked the Authority to issue a consent determination that recorded that settlement (a copy of which is held on the Authority's file).
6. The parties also asked that their settlement be prohibited from publication under clause 10(2) of Schedule 2 of the Act: I accepted that request.
7. The parties are to be commended for settling this matter on their own terms.

**Denis Asher**

**Member of Employment Relations Authority**