

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Rakai Tawhiwhirangi
AND The Attorney General in respect of the Department of Corrections
REPRESENTATIVES Barbara Buckett for the applicant
Karen Spackman for the respondent
MEMBER OF AUTHORITY G J Wood
INVESTIGATION MEETING 13 August 2007
DATE OF DETERMINATION 13 August 2007

ORAL DETERMINATION OF THE AUTHORITY

1. On 13 August 2007 the applicant filed an urgent compliance order requiring the Department to cease investigating the disciplinary issue it raised with him on 10 August until the Employment Court has finally disposed of the challenge to the applicant's reinstatement ordered by the Authority following his dismissal earlier in the year.
2. The applicant also filed to have the matter removed to the Employment Court, an action not opposed by the respondent.
3. In a conference call held this afternoon I determined that this application, if shown to have substance, may, as the subject matter could be seen as being inextricably intertwined with the applicant's dismissal and the respondent's approach to his reinstatement claim, have relevance to the applicant's challenge already before the Court. I therefore determined under s178 (2)(d) to remove the matter to the Court for it to hear and determine without the Authority investigating the matter.
4. The parties agreed that the issue of mediation would be best addressed by the Employment Court.

G J Wood
Member of Employment Relations Authority