



efforts including mediation have failed to resolve difficulties preventing the parties from concluding a collective agreement.

[4] The applicant employer Norske Skog acknowledged that the threshold set by the Act for reference to facilitation is a high one. Whether it is met must turn on the facts of the case, having regard to the nature and scope of the bargaining in the particular industry of the parties and the history of other bargaining.

[5] The course the bargaining has taken since it was initiated in December 2006 has been set out in detail by the employer's HR manager at the Kawerau paper mill. Ms Sharon Scott has been extensively involved and her evidence is that bargaining has taken place over 46 days between the parties. It is clear to me that they have made frequent and determined attempts to conclude an agreement. Their efforts in this regard have extended to engaging a Department of Labour mediator who attended on the parties on seven occasions and who provided ongoing assistance with follow up calls and teleconferences.

[6] As well, the services of an industrial relations facilitator were retained. He has given assistance to the parties on a number of occasions, in addition to the bargaining meetings and the mediation provided.

[7] The Authority has no doubt that as a matter of fact and degree the bargaining between the parties has not only been prolonged but excessively so, and that therefore the threshold set by the Act has been met in this case.

[8] Also, relative to other bargaining carried on between the same parties or associated parties in this industry, the negotiation of this particular collective agreement has become protracted unduly.

[9] The reference is granted accordingly. Counsel, Mr McIlwraith and Ms Beck, have been advised of the availability of an Authority member (Janet Scott), who will provide facilitation in accordance with the provisions of s 50A-J of the Act.

[11] There is no question as to costs.