

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

CA 136/08
5135977

BETWEEN

KEVIN BONNEY
Applicant

AND

BYRNECUT MINING PTY
LIMITED AS TRUSTEE FOR
THE BYRNECUT MINING
UNIT TRUST
Respondent

Member of Authority: Helen Doyle

Representatives: Sonia Vidal, Counsel for Applicant
Rod Lingard, Advocate for Respondent

Determination: 16 September 2008

**CONSENT DETERMINATION OF THE AUTHORITY
WITH RESPECT TO APPLICATION FOR INTERIM REINSTATEMENT**

[1] The applicant lodged an application for interim reinstatement to his position with the respondent on 10 September 2008.

[2] The representatives for the parties advise the Authority that the following orders can be made by consent.

[3] I now make the following orders:

- a. Without admission of liability, the respondent is prepared to reinstate the applicant on an interim basis in accordance with the application for interim reinstatement;
- b. The respondent will withdraw the applicant's letter of dismissal dated 8 September 2008 and will, until further notice, treat the applicant as

being continuously employed from that date including the reimbursement of lost wages;

- c. The respondent will reinvestigate the matter that gave rise to the applicant's dismissal, such process to commence as soon as practicable;
- d. The respondent will not require the applicant to attend work in the meantime but the applicant will be required to be available to participate in the reinvestigation process as and when advised;
- e. The respondent will consider the applicant's claim for compensation at the conclusion of the reinvestigation process;
- f. Costs are reserved.

Helen Doyle
Member of the Employment Relations Authority