

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

[2017] NZERA Wellington 14  
3003932

BETWEEN THE VICE – CHANCELLOR  
OF VICTORIA UNIVERSITY  
WELLINGTON  
Applicant

AND CAROLINE SAWYER  
Respondent

Member of Authority: Anna Fitzgibbon

Representatives: Geoff Davenport, Counsel for the Applicant  
Greg Lloyd, Counsel for the Respondent

Determination: 3 March 2017

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**CONSENT DETERMINATION OF THE AUTHORITY**

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- A. The respondent, Dr Caroline Sawyer has breached the terms of the Record of Settlement dated 24 July 2014 (the ROS).**
- B. Dr Sawyer is ordered to comply fully with all the terms of the ROS including, but not limited to clause 12.**
- C. The confidential details of the ROS remain subject to a permanent non- publication order pursuant to Schedule 2 clause 10(1) of the Employment Relations Act 2000 (the Act).**
- D. Costs are reserved.**

**Background**

[1] On 24 July 2014, the parties attended mediation provided by the Ministry of Business, Innovation and Employment and entered in to the ROS.

[2] Dr Sawyer subsequently challenged the validity of the ROS. In its determination dated 21 December 2016, the Authority held, that the ROS is not a nullity and that it is final and binding on Dr Sawyer. The Authority ordered that the confidential details of the ROS be subject to a permanent non-publication order<sup>1</sup>.

[3] Dr Sawyer has filed a challenge to the Authority's determination which has been noted by the Employment court to be non - compliant. Dr Sawyer has recently instructed Mr Lloyd in respect of the Employment Court proceedings.

[4] On or about 19 and 20 January 2017 and on or about 17 February 2017, Dr Sawyer engaged in breaches of the ROS by sending emails in breach of clause 12 of the ROS.

### **Application for compliance order**

[5] The applicant, The Vice – Chancellor of Victoria University Wellington (the University) filed a Statement of Problem in the Authority on 21 February 2017 seeking an order for compliance and penalties and seeking urgency.

[6] Dr Sawyer, does not oppose the University's application for compliance order. Accordingly, the parties are in agreement that the Authority issue a compliance order by consent.

### **Orders**

[7] The Authority agrees and is willing to and does issue a consent determination making orders that:

- (a) Dr Sawyer has breached the terms of the ROS;
- (b) Dr Sawyer must comply fully with all the terms of the ROS, including but not limited to clause 12.
- (c) The confidential details of the ROS remain subject to a permanent non-publication order pursuant to Schedule 2 clause 10(1) of the Employment Relations Act 2000 (the Act).
- (d) Costs are reserved.

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<sup>1</sup> [2016] NZERA Wellington 158

**Penalties claim**

[8] The remaining matter before the Authority is a claim by the University that Dr Sawyer pay penalties for breaches of the ROS, as provided for by s149(4) and s135 of the Act. This matter is a separate matter and not subject to this consent determination.

**Anna Fitzgibbon**  
**Member of the Employment Relations Authority**