

Attention is drawn to the order prohibiting publication of certain information in this determination

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2020] NZERA 116
3070233

BETWEEN NICOLA DAVIES-KELLY
Applicant

AND ARA INSTITUTE OF
CANTERBURY a polytechnic
constituted under the Education
Act 1989 of Christchurch
Respondent

Member of Authority: Geoff O'Sullivan

Representatives: The Applicant in person
Shaun Brookes and Eleanor Mishra, counsel for the
Respondent

Investigation Meeting: 3 & 4 March 2020

Date of Oral Determination: 4 March 2020

Date of Written record of Determination: 12 March 2020

CONSENT DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] During the Authority's investigation into this matter, the parties informed the Authority that they had reached a settlement of all issues between them.

[2] The parties have asked the Authority to issue:

- (a) A consent determination recording the terms of settlement;

- (b) A non-publication order to preserve the confidentiality of certain parts of the settlement not set out herein.

[3] By consent, the terms of the settlement signed by the parties become consent orders of the Authority. These consent orders are final, binding and enforceable.

The following agreed orders (not subject to the non-publication order) are as follows:

[4] Dr Davies-Kelly will comply with the record of settlement dated 12 October 2018 made between her and ARA Institute of Canterbury (ARA) and;

[5] Dr Davies-Kelly will pay ARA costs of \$8,000 (inclusive of GST) over a period of eight months by equal monthly instalments of \$1,000.

[6] The parties have agreed that certain terms of settlement are to remain confidential. For the purposes of preserving confidentiality I make a further order pursuant to clause 10 of the Second Schedule of the Employment Relations Act 2000, prohibiting publication of the agreed terms of the settlement which are not set out herein.

[7] The original terms of the settlement agreed by the parties are therefore not attached to this determination but will instead be held on the Authority's file. Each party has been provided with a copy of their settlement for their reference.

Geoff O'Sullivan
Member of the Employment Relations Authority