

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKAURAU ROHE**

[2020] NZERA 308
3092092

BETWEEN	BENJAMIN STANLEY EDA Applicant
AND	AORERE COLLEGE BOARD OF TRUSTEES Respondent

Member of Authority: Vicki Campbell

Representatives: Applicant in Person
Richard Harrison, counsel for Respondent

Determination: 7 August 2020

DETERMINATION OF THE AUTHORITY

- A. The employment relationship problem between Mr Eda and Aorere College Board of Trustees lodged under file number 3092092 is to be removed in its entirety to the Employment Court for the Court to hear and determine the matter without the Authority investigating it.**
- B. Costs are reserved.**

Employment relationship problem

[1] The Authority has investigated and determined a previous application by Mr Eda.¹ In that determination I noted a second application from Mr Eda making claims

¹ *Eda v Aorere College Board of Trustees* [2020] NZERA 243.

against Aorere College Board of Trustees (the College) had been lodged in the Authority on 14 February 2020.

[2] Mr Eda had requested that both of his applications be dealt with as one application. As recorded in my determination this was not possible because his first application had already been the subject of an investigation meeting and the Covid-19 situation prevented a new investigation meeting from being convened at that time. I have also recorded that Mr Eda's second statement of problem set out issues that overlapped matters dealt with in the determination of Mr Eda's first application which may result the issues needing resolution in his second application being revised.²

[3] Mr Eda has challenged the determination.³ While his challenge is a non-de novo challenge there are matters which overlap with his second set of proceedings. Given the overlap in proceedings I advised the parties that I was considering whether I should remove Mr Eda's second set of proceedings on my own motion under s 178(2)(c) of the Employment Relations Act 2000. The parties were asked to advise the Authority of their views on that proposal.

[4] Both parties have notified the Authority that they do not oppose the proposed approach.

Removal

[5] The Authority has the power to remove a matter to the Employment Court on its own motion.⁴

[6] I consider removal is appropriate because the Court already has before it proceedings which are between the same parties and which involve similar or related issues. There will be a benefit to Mr Eda to have all of the issues raised in his second set of proceedings heard and determined at the same time as the Court deals with his challenge.

[7] This approach will provide Mr Eda with the result the Authority has been unable to afford him, which is to have all matters dealt with at once.

² Ibid at [7].

³ *Eda v Aorere College Board of Trustees*, EMPC 207/2020.

⁴ Employment Relations Act 2000, s 178(1).

[8] Accordingly I order the removal of the employment relationship problem between Mr Eda and Aorere College Board of Trustees lodged under file number 3092092 be removed in its entirety to the Employment Court for the Court to hear and determine the matter without the Authority investigating it.

Costs

[9] Costs on Mr Eda's application are reserved. I am of a mind to let costs lie where they fall. However, if the parties are of a mind to have the matter determined they must lodge any memoranda on costs within seven (7) days of the date of this determination. Any reply memoranda must be lodged with seven (7) days of the receipt of the costs memoranda.

Vicki Campbell
Member of the Employment Relations Authority