

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

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

[2022] NZERA 551  
3169902

BETWEEN                      MIDWIFERY EMPLOYEE  
   REPRESENTATION &  
   ADVISORY SERVICE  
   Applicant

AND                              BIRTHING CENTRE  
   LIMITED  
   Respondent

Member of Authority:        Nicola Craig

Representatives:             Simon Mitchell, counsel for the applicant  
   Stephen Langton, counsel for the respondent

Date of determination:        27 October 2022

---

**SECOND DETERMINATION OF THE AUTHORITY**

---

[1]     Earlier this year the Midwifery Employee Representation & Advisory Service (MERAS) and Birthing Centre Limited were referred by the Authority to facilitation.<sup>1</sup>

[2]     As the facilitation process was commencing MERAS informed the Authority that it had been advised after the referral to facilitation that Birthing Centre Limited intended to close its operation and it is proposed that the centre will be operated by Te Whatu Ora Health New Zealand. As a result, MERAS did not wish to continue with the facilitated bargaining.

---

<sup>1</sup> *Midwifery Employee Representation & Advisory Service v Birthing Centre Limited* [2022] NZERA 410.

[3] Birthing Centre Limited's view was sought. It agreed with the facilitation not continuing and sought to have the orders for facilitation discharged with no issues as to costs. MERAS did not make any comment in response.

[4] The reference to facilitation is discharged.

[5] The Authority's presumption with referrals to facilitation is that parties will bear their own costs.<sup>2</sup> No costs are sought.

**Nicola Craig**

**Member of the Employment Relations Authority**

---

<sup>2</sup> Employment Relations Authority, Practice Note 2, *Costs in the Employment Relations Authority Te Ratonga Ahumana Taimahi*, 29 April 2022, para 5.