

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI  
TE WHANGANUI-A-TARA ROHE**

[2025] NZERA 589  
3407626

BETWEEN	NEW ZEALAND PUBLIC SERVICE ASSOCIATION TE PŪKENGĀ HERE TIKANGA MAHI INCORPORATED Applicant
AND	MINISTRY FOR CULTURE AND HERITAGE MANATŪ TAONGA Respondent

Member of Authority: Geoff O’Sullivan

Representatives: Catherine McNamara, counsel for the Applicant  
Susan Hornsby-Geluk, counsel for the Respondent

Investigation Meeting: On the papers

Determination: 23 September 2025

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi Incorporated (PSA) seeks a reference to facilitation 50B of the Employment Relations Act 2000 (the Act). PSA and Ministry for Culture and Heritage Manatū Taonga (MCH) are engaged in bargaining and have been unable to conclude a collective agreement.

[2] Following the filing of the PSA’s application for reference to facilitation on 18 September 2025, the Authority held a case management conference call on 22 September 2025. During the conference call, MCH supported the request for facilitation and considered the grounds relied on accurately reflected the parties’ position. It advised, however, that it did not necessarily accept or agree with other statements made by PSA in its application.

## **Background**

[3] PSA and MCH are parties to a collective agreement that expired on 30 November 2024. Bargaining was initiated by PSA on 1 October 2024. Eleven in person bargaining meetings took place between 19 November 2024 and 13 August 2025.

[4] Partial strike action took place between 22 July 2025 and 8 August 2025. Bargaining has been in train for nearly 11 months, however, it seems bargaining has reached an impasse.

[5] The reference to facilitation relies upon the ground the bargaining has been unduly protracted, and extensive efforts (including mediation) have failed to resolve the difficulties that have precluded the parties from entering into a collective agreement (s 50C(1)(b) of the Act).

[6] Michael Woodcock, the PSA organiser, has filed an affidavit. He attests that the final bargaining meetings took place on 13 August 2025 and that he believes that all reasonable options for resolving the impasse in the bargaining between the parties have been exhausted and the assistance of the Authority is required in resolving the difficulties between the parties to the bargaining. Mr Woodcock also says there is a need for urgency because of the unduly protracted bargaining and the negative impact on the relationship between PSA and MCH and also between PSA members and their employer.

## **Referral to facilitation**

[7] I have considered the material currently before the Authority. The parties have been engaged in bargaining over the collective agreement since 19 November 2024. Bargaining was initiated on 1 October 2024 and the collective agreement expired on 30 November 2024. There have been a significant number of in-person bargaining meetings. There has been at least one online meeting and there has been a mediation. There has also been considerable communication and correspondence between the parties, yet the impasse remains. Despite extensive efforts by the parties they have failed to reach agreement.

[8] In *Service and Food Workers Union Nga Ringa Tota Inc v Sanford Limited*<sup>1</sup> the Court noted that the assessment of whether bargaining has been unduly protracted and whether there have been extensive efforts to resolve the issues is not intended to be precise. It noted:

Whilst the Authority must ensure that the statutory grounds exist, it should not be astute to find reasons to refuse a reference to facilitation where a common sense assessment of the overall position indicates its desirability in light of the statutory scheme for collective bargaining and collective agreements.

[9] For the above reasons I find that the grounds set out in s 50C(1)(b) to be made out. It is appropriate that the parties now engage in facilitation and the reference to facilitation is accepted.

### **Next steps**

[10] The Authority will convene a case management conference with the parties to discuss arrangements for facilitation and in accordance with s 50D of the Act the member of the Authority who facilitates the collective bargaining will not be the member who accepted the reference for facilitation.

### **Costs**

[11] There is no order as to costs.<sup>2</sup>

Geoff O'Sullivan  
Member of the Employment Relations Authority

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<sup>1</sup> [2012] NZEmpC 168 at [42].

<sup>2</sup> See, [www.era.govt.nz/assets/uploads/practice-direction-of-the-employment-relations-authority.pdf](http://www.era.govt.nz/assets/uploads/practice-direction-of-the-employment-relations-authority.pdf) at [5].