

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

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2017] NZERA Christchurch 109  
5625694

BETWEEN            CHRIS MILES ARTHURS  
Applicant

A N D                THE LYTTELTON PORT  
COMPANY LIMITED  
Respondent

Member of Authority:    T G Tetitaha

Representatives:        D Beck, Counsel for Applicant  
T McKenzie, Counsel for Respondent

Date of Determination:    30 June 2017

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**CONSENT DETERMINATION OF THE AUTHORITY**

**Employment relationship problem**

[1]    The parties agree to removal to the Employment Court under s.178 of the Employment Relations Act 2000 (the Act) of part of an employment relationship problem. The basis for the removal is s.178(2)(c) of the Act, namely that:

*... the Court already has before it proceedings which are between the same parties and which involve the same or similar or related issues.*

[2]    A determination was issued on 7 April 2017.<sup>1</sup> The respondent has appealed this matter to the Employment Court. The Employment Court has now granted a stay of the proceedings of the determination of the Employment Relations Authority pending appeal.<sup>2</sup> The merits of the appeal are yet to be determined.

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<sup>1</sup>    *Chris Miles Arthurs v Littleton Port Company Limited* [2017] NZERA Christchurch53.

<sup>2</sup>    *Littleton Port Company Limited v Chris Miles Arthurs* [2017] NZEmpC 44.

[3] The only outstanding issue before the Authority are costs. The Court has the discretion to consider costs in the Authority.<sup>3</sup>

[4] It seems premature to determine costs when the parties' appeal remains extant. The appeal will consider the same issues of costs before the Authority at its conclusion. It would be speedier and less expensive to remove costs to the Court, than to have the matter remitted back to the Authority for consideration at the conclusion of the appeal.

[5] Accordingly, the issue of costs in the Authority is removed to the Employment Court.

**T G Tetitaha**  
**Member of the Employment Relations Authority**

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<sup>3</sup> *Caffee Coffee v Sune Farrimond* [2016] NZEmpC 105 at [40] citing *The Commissioner of Salford School v Campbell* [2015] NZEmpC 186 at [27].