



# New Zealand Employment Relations Authority Decisions

You are here: [NZLII](#) >> [Databases](#) >> [New Zealand Employment Relations Authority Decisions](#) >> [2006](#) >> [2006] NZERA 789

[Database Search](#) | [Name Search](#) | [Recent Decisions](#) | [Noteup](#) | [LawCite](#) | [Download](#) | [Help](#)

---

## Muncey v Lloyd WA 115/06 (Wellington) [2006] NZERA 789 (18 August 2006)

Last Updated: 3 December 2021

Determination Number: WA 115/06  
File Number: 5041307

Under the [Employment Relations Act 2000](#)

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY WELLINGTON OFFICE**

**BETWEEN** Jonathan Muncey (Applicant)

**AND** Garry Lloyd (Respondent)

**IN ATTENDANCE** Jonathan Muncey and Calum Finlayson in person by Telephone

**MEMBER OF AUTHORITY** P R Stapp

**TELEPHONE CONFERENCE** 18 August 2006

**DATE OF DETERMINATION** 18 August 2006

### **DETERMINATION OF THE AUTHORITY**

Employment relationship problem

[1] A statement of problem (dated 26 May 2006) was filed in the Authority on 6 June 2006 by Mr Muncey claiming one week's pay while he was on ACC.

[2] Mr Muncey attended mediation provided by the Department of Labour. As a result the parties agreed for the Mediator to make a final and binding decision between Mr Muncey and his employer, Redican Allwood Limited ("Redican-Allwood") (Garry Lloyd is cited as the Respondent in the Authority's proceedings). The Mediator decided that he did not have jurisdiction on the ACC related matter because there was a dispute over whether or not Mr Muncey's accident was work related. The Mediator outlined the ACC process for the Applicant and the Respondent to follow.

[3] Mr Muncey has returned to the Authority because he is dissatisfied with the Mediator's decision on jurisdiction.

### **My Conclusion**

[4] I have no jurisdiction because the parties agreed for the Mediator to make a final and binding decision under [s150](#) of the [Employment Relations Act](#) (the Act). The mediator's decision says the agreement of both parties was obtained. From the Mediator's decision I presume the parties' agreed that Mr Muncey's employer was Redican-Allwood. The Mediator's decision made under [s 150](#) of the Act is final and binding. Therefore, I have no jurisdiction

and the matter cannot be brought before the Authority or the Court for action, appeal, application for review, or otherwise (see [s150](#) (3)).

[5] Redican-Allwood has agreed to comply with the Mediator's decisions on the other matters decided.

[6] There is no issue on costs.

[7] The matter in the statement of problem dated 26 May 2006 cannot be investigated further by the Authority.

P R Stapp

Member of the Authority

---

**NZLII:** [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#)

URL: <http://www.nzlii.org/nz/cases/NZERA/2006/789.html>