

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2023] NZERA 216
3216979

BETWEEN DWAYNE SWEENEY
Applicant

AND TE TAMAWAI TRUST
Respondent

Member of Authority: Marija Urlich

Representatives: Susan-Jane Davies, counsel for applicant
Mark Hammond, counsel for respondent

Determination: 2 May 2023

CONSENT DETERMINATION OF THE AUTHORITY

[1] The parties have resolved their differences and jointly apply to the Authority to issue a consent determination in the following terms:

- a. the respondent will issue a written apology to the applicant within 5 working days of this determination in the following words:

“Dwayne, Te Tamawai Trust apologies for any distress that may have been caused to you by Te Tamawai Trust not fully taking down all images of you on its social platforms as agreed in the record of settlement.”

- b. within 5 working days of the date of this determination the respondent will make an ex-gratia payment to the applicant of \$1,000.00;
- c. the respondent will pay the applicant’s agreed costs of \$3,000.00 + GST within 5 working days of receipt of an invoice from his representative; and
- d. the application 3216979 is dismissed on these terms.

[2] These terms, by consent and by this determination, become the orders of the Authority in this matter.

Marija Urlich
Member of the Employment Relations Authority