

IN THE EMPLOYMENT COURT
AUCKLAND REGISTRY

IN THE MATTER of an application for declaration,
proceedings removed from
Employment Relations Authority

AND

IN THE MATTER of an application for interim
injunctions

BETWEEN Maritime Union of New Zealand
Inc

Plaintiff

AND Ports of Auckland Limited

Defendant

Court: Judge B S Travis

Appearances: Mr Carruthers QC, Mr Cranney and Mr Mitchell, counsel for plaintiff
Mr Haigh QC, Mr McIlraith and Ms Dunn, counsel for defendant

Minute: 21 March 2012

**MINUTE OF JUDGE B S TRAVIS
FOLLOWING A TELEPHONE DIRECTIONS CONFERENCE
COMMENCING AT 4PM ON WEDNESDAY 21 MARCH 2012**

1. As a result of the Judicial Settlement Conference heard on Monday 19 March 2012, the parties agree as follows:
 - a) The substantive hearing set down to be heard on 26 March and following days is to be adjourned sine die to be brought on as short notice if sought by either party.
 - b) Bargaining continues under the auspices of the Mediation Service.
 - c) In accordance with the undertakings referred to below, the plaintiff's application for interim injunction set down to be heard on 22 March 2012 is to be adjourned sine die to be brought on at short notice by either party.
 - d) The defendant makes the following undertakings:

- (i) The defendant will take no further steps to implement the proposal to make the plaintiff's members redundant.
- (ii) The defendant will not dismiss the plaintiff's members.
- (iii) The defendant will not employ or engage Drake Personnel Limited or Allied Workforce Limited, or any other person to perform the work of striking employees in breach of s 97 of the Employment Relations Act 2000 and will take steps to instruct Drake Personnel Limited, Allied Workforce Limited and any other potential contractor not to undertake any recruitment or training related to the contracting out of work at Ports of Auckland.
- (iv) In the event that the defendant intends to employ or engage any other person to perform work covered by the collective agreement in dispute, it will give the plaintiff 48 hours' notice to enable the plaintiff to apply for relief.

2. Counsel will discuss an amended timetable for the substantive proceedings and keep the registry advised on progress.

3. Leave is reserved to either party to refer the matter back to the Court during this one month period.

4. The Court requests that both parties exercise appropriate discretion and restraint regarding any media statements in relation to this matter given this continuation of the bargaining.



B S Travis
Judge