

From: Matt McCarten <Matt@workplaceadvocates.co.nz>

Sent on: Sunday, July 27, 2025 5:07:11 AM

To: Willie@waatea.co.nz

CC: Mike Tukaki <MikeT@muma.co.nz>

Subject: Response to Trespass Order

Attachments: Trespass MUMA Response 27 July .docx (56.97 KB)

Kia ora Willie,

Attached is our response to your trespass order.

We will write to Mike tomorrow on the key issues we need to resolve with possible options on a way forward.

Matt McCarten

0295 684 422

Workplace Advocates

Level 9, Cider House

4 Williamson Avenue, Ponsonby, 2021

PO Box 78-060, Grey Lynn 1245

09-390-7100



info@oneunion.org.nz

09-390-7100

Level 9, Cider House
4 Williamson Avenue
Ponsonby, 2021

ONE UNION
PO Box 78-060
Grey Lynn, 1245

NZBN: 942 90479 20132

27 July 2025

Willie Jackson
Chairperson
Nga Whare Waatea Marae Trust
31 Calthorp Close
Favona, Auckland 2024

Kia ora Willie,

Trespass Notice Issued Against Union Officials – Access to Workplace During Collective Bargaining

I am somewhat surprised at your letter dated 25 July giving formal notice of trespass against myself and other authorised officials of One Union, in relation to having access to Manukau Urban Maori Authority (MUMA) workplaces located on your marae grounds. You acknowledge the intention of this trespass notice is to frustrate the bargaining process with MUMA as the employer. This reasoning is not legally tenable.

That said, I do acknowledge the mana and tikanga of the marae and respect its role as a culturally significant space. However, the area in question also operates as a workplace where employees covered by our union are employed and where collective bargaining is currently underway with their employer. Waatea Marae is not the employer, and is not a party to any union engagement.

Under section 20 of the Employment Relations Act 2000, authorised union representatives have a statutory right to enter workplaces where their members work, for purposes that include collective bargaining and engagement on employment matters. This right may only be limited in accordance with the law, and not unilaterally by the employer or a landlord, where it conflicts with the lawful exercise of those rights.

Issuing a trespass notice to prevent lawful union access during an active bargaining process undermines the statutory rights of workers to representation and participation in good faith bargaining. It may also constitute an unlawful interference with the collective bargaining process. Your suggestion that the marae is being disrespected, because we gave notice to MUMA for collective bargaining is perplexing. On Friday I was there on union business with MUMA's Deputy Chief Executive at his invitation. In any event, union business with MUMA as an employer is surely are not a matter for the Marae Board.

It is deeply disappointing that you as a former trade union leader, and as a current member of parliament who voted for right of unions to access workplaces, now actively proposes to breach this law. Additionally you raise past disrespect by me against the Marae. I know of none. In fact, I don't recall being on the marae since February.

Going forward, we believe it's best we seek to resolve this matter in a respectful and constructive manner. The trespass notice needs to be withdrawn immediately and union officials be permitted to carry out their lawful duties in support of members at this workplace. We are happy to meet to discuss appropriate protocols that maintain the dignity of the marae while enabling us to fulfil our legal responsibilities.

Given we have a mandatory pre-bargaining timeline I appreciate a response to our request by the end of business tomorrow. As a gesture of goodwill we will not exercise our right to enter MUMA's workplace tomorrow.

Nga mihi,

Matt McCarten
Secretary
0295 684422