

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2014] NZEmpC 192
ARC 100/13**

IN THE MATTER OF a challenge to a determination of the
 Employment Relations Authority

BETWEEN JOHN DUNCAN
 Plaintiff

AND PYNE GOULD CORPORATION
 LIMITED
 Defendant

Hearing: 20 October 2014
 (Heard at Auckland)

Appearances: P Skelton QC and A Borchardt, counsel for plaintiff
 M Crotty and G Service, counsel for defendant

Judgment: 20 October 2014

ORAL CONSENT JUDGMENT OF JUDGE M E PERKINS

[1] This is an action by way of a challenge to a determination of the Employment Relations Authority dated 20 November 2013.¹ The matter was set down to commence today for a hearing which was estimated to continue through until Thursday of this week. I received an indication this morning that the parties, having arrived at Court, wished to discuss the matter. They have spent time between the time set for the commencement of the hearing, until now (11.30 am), discussing it and I have been called into Court so that the parties can advise that the matter has been settled in all respects.

¹ *Duncan v Torchlight Investment Group Ltd* [2013] NZERA Auckland 535.

[2] Counsel have handed up a memorandum recording the terms of settlement briefly, and I am asked to enter a consent judgment in terms of the memorandum and I am happy to do so.

[3] Accordingly, by consent there will be judgment entered for the plaintiff as follows:

- a) that the Employment Relations Authority determination dated 20 November 2013 reported as [2013] NZERA Auckland 535, be set aside;
- b) that judgment be entered for the plaintiff against the defendant in the sum of \$475,000;
- c) that there are no issues as to costs.

[4] I congratulate the parties on reaching a settlement of this matter.

M E Perkins
Judge

Oral consent judgment delivered at 11.30 am on 20 October 2014