

**IN THE EMPLOYMENT COURT  
WELLINGTON**

**[2014] NZEmpC 89  
WRC 4/14**

IN THE MATTER OF	a point of law challenge to a determination of the Employment Relations Authority
BETWEEN	CAR GIANT LIMITED Plaintiff
AND	MICHAEL STOCKER Defendant

Hearing: (on the papers - joint memorandum of counsel filed on  
21 May 2014)

Counsel: P A McBride, counsel for the plaintiff  
E Collins, counsel for the defendant

Judgment: 12 June 2014

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**CONSENT JUDGMENT OF JUDGE A D FORD**

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[1] This proceeding had been set down for hearing on 16 and 17 June 2014. The matter involved a challenge to a determination of the Employment Relations Authority (the Authority) dated 24 December 2013 in relation to the quantum awarded to the defendant.<sup>1</sup>

[2] Counsel have now filed a joint memorandum confirming that, following on from a case management conference on 8 April 2014, the parties have engaged in negotiations and have settled all issues arising out of the challenge, subject to the Court setting aside the Authority's determination and making the following orders, which are now made by consent:

[3] The determination of the Authority, as to:

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<sup>1</sup> *Stocker v Car Giant Ltd* [2013] NZERA Wellington 167.

- i) any finding of other than genuine redundancy; and
- ii) remedies

is hereby set aside and substituted by the following:

- a) An award of \$8,000 in terms of s 123(1)(c)(i) of the Employment Relations Act 2000 [which coincides with the order made by the Authority];
- b) An award of \$7,000 gross by way of lost remuneration [comprising a reduction in the sum awarded by the Authority]; and
- c) No order is made as to costs in either the Authority or this Court.

[4] The fixture scheduled to commence on 16 June 2014 is hereby vacated.

A D Ford  
Judge

Judgment signed at 10.30 pm on 12 June 2014