

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
CHRISTCHURCH**

**I TE KŌTI TAKE MAHI O AOTEAROA
ŌTAUTAHI**

**[2023] NZEmpC 192
EMPC 256/2023**

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

BETWEEN HUGH O'NEILL
Plaintiff

AND PORT OTAGO LIMITED
Defendant

EMPC 259/2023

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

BETWEEN PORT OTAGO LIMITED
Plaintiff

AND HUGH O'NEILL
Defendant

Hearing: 7 November 2023 by judicial settlement conference
(Heard at Dunedin)

Appearances: P McBride, counsel for Hugh O'Neill
J Farrow and K Thomson, counsel for Port Otago Ltd

Judgment: 8 November 2023

CONSENT JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

[1] Following a Judicial Settlement Conference, the parties have reached a full and final settlement of all matters between them. The terms of settlement are private and confidential, subject to certain matters referred to in the next paragraph. The parties have sought consent orders from the Court in respect of those matters.

[2] By consent, I order that the following findings of the Employment Relations Authority in its substantive determination¹ are set aside:

- (a) the finding that reinstatement was not reasonable. The Court orders that Hugh O'Neill be forthwith reinstated to his role as an unrestricted harbour pilot (subject only to such refamiliarisation as might be required);
- (b) the quantum of the finding that Hugh O'Neill contributed 25 per cent to the circumstances of his unjustified dismissal;
- (c) the finding as to the appropriate calculation of interest.

[3] By consent, the Court otherwise dismisses the parties' challenges to the Authority's substantive determination and makes no order as to costs.

Christina Inglis
Chief Judge

Judgment signed at 1.00 pm on 8 November 2023

¹ *Hugh O'Neill v Port Otago Ltd* [2023] NZERA 346, as supplemented by the Authority's Minute dated 8 August 2023 .