

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

**I TE KŌTI TAKE MAHI O AOTEAROA
TE WHANGANUI-A-TARA**

**[2024] NZEmpC 138
EMPC 98/2024**

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

BETWEEN HUGH OSWALD CLARKSON, IAN NEIL
CLARKSON AND PETER RICHARD
CLARKSON AS TRUSTEES OF THE
GLENLYON TRUST
Plaintiffs

AND PETER CLARKSON
Defendant

Hearing: 1 August 2024 (by judicial settlement conference)
(Heard at Hastings)

Appearances: S Mitchell KC, counsel for plaintiffs
M Mitchell, counsel for defendant

Judgment: 1 August 2024

CONSENT JUDGMENT OF JUDGE B A CORKILL

[1] The plaintiffs have brought a non-de novo challenge to a determination of the Employment Relations Authority in relation to entitlements it ordered under the Holidays Act 2003.¹

[2] The parties have resolved all matters between them in relation to these issues.

[3] A joint memorandum of the parties requests the Court to make consent orders.

¹ *Clarkson v Clarkson* [2024] NZERA 90 (Member O'Sullivan).

[4] Accordingly, by consent, I make the following orders:

- (a) Paragraphs [68]–[72](a)–(b) and [79](c)–(d) of the Authority’s determination are set aside, and this judgment stands in place of those paragraphs.
- (b) The sums of:
 - (i) \$87,500 (gross) for public and alternative holidays;
 - (ii) \$8,168.11 (gross) as reimbursement for lost wages; and
 - (iii) \$20,000 for humiliation, loss of dignity and injury to feelingsare to be paid from the trust fund by the plaintiffs to the defendant on or before 15 August 2024.
- (c) This proceeding is discontinued with no issue as to costs, which will lie where they fall.
- (d) Other terms of the agreement are confidential to the parties and their advisers.

[5] I commend the parties for reaching agreement, which will enable them to move forward.

B A Corkill
Judge

Judgment signed at 3.15 pm on 1 August 2024