

**ORDER PROHIBITING PUBLICATION OF NAMES OR IDENTIFYING
PARTICULARS OF THE PARTIES**

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

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

**[2025] NZEmpC 77
EMPC 391/2024**

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
BETWEEN	DGE Plaintiff
AND	AKO First Defendant
AND	CJV Second Defendant

Hearing: 1 April 2025 (by judicial settlement conference)

Appearances: Myriam Mitchell and C Muthyala, counsel for plaintiff
JL Bates, counsel for defendants

Judgment: 15 April 2025

CONSENT JUDGMENT OF JUDGE KATHRYN BECK

[1] DGE has challenged a determination of the Employment Relations Authority.¹

[2] The parties have resolved all matters between them in relation to these proceedings and the determination, and they have reached a full and final settlement of all matters between them.

¹ *AKO v DGE* [2024] NZERA 534 (Member Kennedy-Martin).

[3] A joint memorandum of the parties seeks that the agreement be recorded by way of consent orders.

[4] The first consent order sought by the parties was that the Authority's determination be stayed permanently. I consider that given that this matter has been settled by the parties, the better approach is to set the Authority's determination aside.

[5] I make the following orders by consent:

- (a) The permanent non-publication order in the Authority proceedings was not the subject of a challenge. It is, therefore, appropriate for the interim non-publication orders made by the Court to be made permanent. Accordingly, I make permanent non-publication orders on the same terms as those in the Authority.
- (b) The remedies and penalties paid into Court by DGE will be released to enable DGE to meet any terms of settlement.
- (c) Costs will lie where they fall.
- (d) The terms of the agreement are confidential to the parties and their advisers.

[6] The parties agree that there was no deliberate and sustained breach of good faith by DGE. Accordingly, there was no justification for an award of penalties and none are payable.

[7] The determination of the Authority is set aside and this judgment stands in its place.

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

Kathryn Beck
Judge

Judgment signed at 9.30 am on 15 April 2025