



# Employment Court of New Zealand

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## Alliance Group Limited v Leckie [2020] NZEmpC 100 (10 July 2020)

Last Updated: 16 July 2020

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2020\] NZEmpC 100](#)

EMPC 196/2020

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for stay of proceedings
BETWEEN	ALLIANCE GROUP LIMITED Plaintiff
AND	BRIAR LECKIE Defendant

Hearing: On the papers  
Appearances: P Chemis and S Brookes, counsel for plaintiff  
S-J Thomas and R Donnelly, counsel for defendant  
Judgment: 10 July 2020

### CONSENT JUDGMENT OF JUDGE B A CORKILL

[1] The plaintiff has brought a non-de novo challenge to a determination of the Employment Relations Authority, in which a range of monetary orders were made, including:1

(a) Alliance Group Limited (Alliance) was ordered to pay Ms Leckie 24 months' lost wages, from the date of her dismissal until the date of the investigation meeting.

1 *Leckie v Alliance Group Ltd* [\[2020\] NZERA 221](#).

ALLIANCE GROUP LIMITED v BRIAR LECKIE [\[2020\] NZEmpC 100](#) [10 July 2020]

(b) A 25 per cent reduction for contribution was ordered in respect of an award of \$20,000 under [s 123\(1\)\(C\)\(i\)](#) of the [Employment Relations Act 2000](#) (the Act), and in respect of the above lost wages award.

[2] Subsequently, after hearing from the parties, the Authority ordered Alliance to pay Ms Leckie:2

(a) \$53,944.97 (gross) for lost remuneration;  
(b) costs of \$3,822 plus investigation meeting costs; and  
(c) \$71.56 application fee.

[3] Alliance has also filed an application for a stay of proceedings on the basis that if the above amounts are reduced by the Employment Court, it will not be able to recover any overpayment from Ms Leckie.

[4] The parties have resolved this application, reaching a consensus as to the orders which should be made by the Court.

[5] By consent, I order:

(a) Alliance is to pay Ms Leckie the following interim amounts towards the awards ordered by the Authority, within seven days of this order:

- (i) \$10,000 pursuant to [s 123\(1\)\(c\)\(i\)](#) of the Act;
- (ii) lost wages of \$4,855.30 (gross), being 50 per cent of three months' lost wages; and
- (iii) costs of \$4,260.22.

2 *Leckie v Alliance Group Ltd* [\[2020\] NZERA 274](#).

(b) The balance of the awards ordered by the Authority are stayed until further order of the Court, and pending the outcome of the substantive challenge.

(c) Alliance will pay the balance of the awards (being \$49,089.67) into its solicitor's interest-bearing trust account. These funds (including interest earned) will be held on trust and not distributed without the agreement of both parties, or further order of the Court.

[6] No costs are sought by either party with regard to the application for stay.

B A Corkill Judge

Judgment signed at 12 pm on 10 July 2020

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