



# Employment Court of New Zealand

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## Chen v Southern District Health Board [2018] NZEmpC 78 (13 July 2018)

Last Updated: 20 July 2018

### IN THE EMPLOYMENT COURT CHRISTCHURCH

[\[2018\] NZEmpC 78](#) EMPC 92/2018  
EMPC 153/2018

IN THE MATTER OF challenges to determinations of the  
Employment Relations Authority  
BETWEEN VICTOR CHEN  
Plaintiff  
AND SOUTHERN DISTRICT HEALTH BOARD  
Defendant

Hearing: (Judicial Settlement Conference held on 12 July  
2018)  
Appearances: C Rieger, counsel for plaintiff  
C Griggs and C Kenworthy, counsel for defendant  
Judgment: 13 July 2018

### CONSENT JUDGMENT OF JUDGE B A CORKILL

[1] The plaintiff brought challenges against a substantive determination of the Employment Relations Authority (the Authority) dated 22 February 2018,<sup>1</sup> and a costs determination of the Authority dated 30 April 2018.<sup>2</sup>

[2] At a Judicial Settlement Conference (JSC) held on 12 July 2018, all issues between the parties were resolved on a full and final basis.

[3] This judgment records the matters which the parties have agreed should be included in a consent judgment.

<sup>1</sup> *Chen v Southern District Health Board* [2018] NZERA Christchurch 20.

<sup>2</sup> *Chen v Southern District Health Board* [2018] NZERA Christchurch 54.

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[4] Pursuant to [s 183\(2\)](#) of the [Employment Relations Act 2000](#) (the Act), and by consent, the determinations of the Authority are set aside.

[5] The parties agreed at the JSC that the following statement should now be recorded in this consent judgment:

The genesis of the issues [before the Court] came from a Record of Settlement between the parties dated 22 April 2013.

Dr Chen was subsequently disparaged by a nurse employed by the DHB. The nurse was not authorised to make the comments that she did. While the DHB did not authorise the nurse in question to make those comments, it apologises unreservedly to Dr Chen for any damage that may have been done to his reputation.

Dr Chen subsequently left the DHB to take up a position in Australia. The DHB thanked him at that time for his many years of excellent service as an Interventional Cardiologist and continues to wish him well.

[6] The remaining terms of settlement between the parties are set out in a confidential settlement agreement, which I direct

is subject to an order of non-publication pursuant to cl 12(2) of sch 3 of the Act.

[7] The agreed settlement resolves the challenges brought before the Court. There are no issues as to costs.

B A Corkill Judge

Judgment signed at 10.55 am on 13 July 2018

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