

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2025] NZERA 501
3322620

BETWEEN MICHAEL JAMES WALLACE
Applicant

AND DUNCAN EARTHWORKS
LIMITED
Respondent

Member of Authority: David G Beck

Representatives: Paige Noorland counsel for the Applicant
Mark Beech counsel for the Respondent

Investigation Meeting: 7 August 2025

Date of Determination: 18 August 2025

CONSENT DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] Following a vacated Authority Investigation of this matter, the parties were able to resolve the issues between them. They have requested the Authority issue a determination by consent recording the terms of their settlement agreement as follows:

- (a) The Respondent pay the Applicant within 21 days:
 - (i) \$25,500.00 under section 123(1)(c)(i) of the Employment Relations Act 2000; and
 - (ii) \$4,511 for unpaid statutory holidays, holiday pay and interest on both.

- (b) The Respondent will have Brett McDonald (Mechanical Engineer) remove the Hoist from their yard at their costs and it will be collected by the Applicant from Mr McDonald's yard

within one month of it being removed. If not collected by the Applicant within one month, Mr McDonald will be free to dispose of the Hoist in any manner he sees fit.

- (c) The release of the Hoist by the Respondent to the Applicant is without prejudice to any relationship property claim (or otherwise) between Ms Laura Duncan and the Applicant.
- (d) Legal costs to lie where they fall.

[2] The parties agree that all proceedings currently before the Authority are to be discontinued as a result of the above orders.

[3] These terms, by consent and by this determination, become the orders of the Authority in this matter.

David G Beck
Member of the Employment Relations Authority