

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2012] NZEmpC 18
ARC 43/07**

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

BETWEEN OLDSCO PTI LIMITED
Plaintiff

AND PHILIP HOUSTON
Defendant

Hearing: Joint memorandum of counsel received on 10 February 2012
(Heard at Auckland)

Counsel: Tony Drake, counsel for plaintiff
Penny Swarbrick, counsel for defendant

Judgment: 13 February 2012

CONSENT JUDGMENT OF JUDGE B S TRAVIS

[1] On 28 July 2011 I issued a minute recording the advice given by counsel to the Court that the parties had entered into a settlement agreement, in accordance with which it had been agreed that the Employment Court proceedings would remain on foot while the steps to complete settlement were being implemented.

[2] Counsel for the parties have now advised that the steps to complete the financial aspects of the settlement, including the marketing and sale of a property, have now been concluded.

[3] Counsel have also advised that the deed of settlement which the parties entered into requires that, on the financial aspect of the settlement having been completed:

a) ARC 27/09, Oldco PTI Limited is to file a notice of discontinuance, which was duly filed on 10 February 2012.

b) Counsel would then apply to the court to make an order by consent allowing the plaintiff's challenge in ARC 43/07 to the substantive determination and the costs determination of the Employment Relations Authority and recording that there were no outstanding issues as to costs between the parties.

[4] That application has now been made. By consent the following orders are made in accordance with the terms of the settlement between the parties.

[5] The challenge in ARC 43/07 to the substantive and costs determinations of the Authority is allowed and the determinations of the Authority are set aside. There are no issues as to costs.

B S Travis
Judge

Judgment signed at 2pm on 13 February 2012