

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

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

**[2020] NZEmpC 232  
EMPC 359/2020**

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

AND IN THE MATTER OF an application for stay of execution

BETWEEN                      THE CHIEF OF NEW ZEALAND  
DEFENCE FORCE  
Plaintiff

AND                              JULIETTE DARNLEY  
Defendant

Hearing:                      On the papers

Appearances:                J Boyle, counsel for plaintiff  
P McKenzie-Bridle, counsel for defendant

Judgment:                   17 December 2020

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**CONSENT JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS  
(Application for stay of execution)**

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[1]     In a determination of 23 October 2020, the Employment Relations Authority held that the defendant had been unjustifiably constructively dismissed and ordered the plaintiff to pay her the sum of \$25,000 by way of compensation under s 123(1)(c)(i) of the Employment Relations Act 2000.<sup>1</sup> The plaintiff has challenged that determination.

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<sup>1</sup> *Darnley v The Chief of the New Zealand Defence Force* [2020] NZERA 440 (Member MacKinnon).

[2] By joint memorandum, the parties agreed that execution of the determination should be stayed pending resolution of the challenge now before the Court and sought an order to that effect. In the circumstances, I am satisfied that it is appropriate for such an order to be made.

[3] I order by consent that execution of the Authority's determination is stayed pending further order of the Court.

[4] No issue of costs arises.

Christina Inglis  
Chief Judge

Judgment signed at 11.30 am on 17 December 2020