



# Employment Court of New Zealand

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## Atlas Concrete Limited v Cleland [2022] NZEmpC 125 (14 July 2022)

Last Updated: 19 July 2022

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2022\] NZEmpC 125](#)

EMPC 184/2022

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for a stay of execution of determinations of the Employment Relations Authority
BETWEEN	ATLAS CONCRETE LIMITED Plaintiff
AND	SHANE CLELAND Defendant

Hearing: On the papers  
Appearances: J D Turner, counsel for  
plaintiff D Gelb, advocate for  
defendant  
Judgment: 14 July 2022

INTERLOCUTORY JUDGMENT OF JUDGE J C HOLDEN

(Application for stay of execution)

[1] The plaintiff has filed challenges to a substantive determination and a costs determination of the Employment Relations Authority (the determinations).<sup>1</sup> The parties have now filed a joint memorandum seeking orders by consent staying the determinations.

<sup>1</sup> *Cleland v Atlas Concrete Ltd* [\[2022\] NZERA 195 \(Member English\)](#); *Cleland v Atlas Concrete* [\[2022\] NZERA 270 \(Member English\)](#).

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[2] Having considered that joint memorandum, the following orders are made:

- The plaintiff is to pay the sum of \$21,736.41 to the Registrar of the Employment Court within 14 days of the date of this judgment. That sum is to be deposited as soon as practicable into the Court's interest bearing bank account.
- The money paid into Court, together with any interest accruing on that money, is to be held by the Court and paid out in accordance with any order of the Court.
- On the basis payment is made by the plaintiff as set out in (a) above, the determinations are stayed pending the resolution of the plaintiff's challenge in EMPC 184/2022 or further order of the Court.

[3] Costs are reserved.

J C Holden Judge

