



Employment Court of New Zealand

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Atlas Concrete Limited v Cleland [2022] NZEmpC 188 (21 October 2022)

Last Updated: 27 October 2022

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2022\] NZEmpC 188](#)

EMPC 184/2022

IN THE MATTER OF	a challenge to determinations of the Employment Relations Authority
BETWEEN	ATLAS CONCRETE LIMITED Plaintiff
AND	SHANE CLELAND Defendant

Hearing: On the papers

Appearances: JD Turner, counsel for plaintiff
D Gelb, advocate for defendant

Judgment: 21 October 2022

CONSENT JUDGMENT OF JUDGE KATHRYN BECK

[1] This proceeding involves a challenge to determinations of the Employment Relations Authority in relation to a personal grievance claim brought by the defendant.¹

[2] The parties have resolved all matters between them in relation to this proceeding and the determinations, and have reached a full and final settlement of all matters between them.

[3] A joint memorandum of counsel (filed on 21 October 2022) seeks that the agreement be recorded by way of consent orders.

¹ *Cleland v Atlas Concrete Ltd* [\[2022\] NZERA 195](#) (substantive); *Cleland v Atlas Concrete Ltd*

[\[2022\] NZERA 270](#) (costs).

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[4] I make the following orders by consent:

- (a) The Authority's determinations are set aside and this judgment stands in their place.
- (b) The sum of \$21,736.41 paid into court by the plaintiff pursuant to a consent judgment issued on 14 July 2022,² plus any accrued interest, is to be paid by the Court to the plaintiff.
- (c) The terms of the settlement are confidential to the parties and their advisers.
- (d) The proceedings are discontinued with no issue as to costs.

[5] I commend the parties for reaching agreement which will enable them to move forward.

Kathryn Beck Judge

Judgment signed at 11.30 am on 21 October 2022

