



# Employment Court of New Zealand

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## Clarkson v Clarkson [2024] NZEmpC 138 (1 August 2024)

Last Updated: 5 August 2024

IN THE EMPLOYMENT COURT OF NEW ZEALAND WELLINGTON

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

[\[2024\] NZEmpC 138](#)

EMPC 98/2024

IN THE MATTER OF a challenge to a determination of the  
Employment Relations Authority  
BETWEEN HUGH OSWALD CLARKSON, IAN NEIL  
CLARKSON AND PETER RICHARD  
CLARKSON AS TRUSTEES OF THE  
GLENLYON TRUST  
Plaintiffs  
AND PETER CLARKSON  
Defendant

Hearing: 1 August 2024 (by judicial settlement  
conference) (Heard at Hastings)

Appearances: S Mitchell KC, counsel for plaintiffs M  
Mitchell, counsel for defendant

Judgment: 1 August 2024

### CONSENT JUDGMENT OF JUDGE B A CORKILL

[1] The plaintiffs have brought a non-de novo challenge to a determination of the Employment Relations Authority in relation to entitlements it ordered under the [Holidays Act 2003](#).<sup>1</sup>

[2] The parties have resolved all matters between them in relation to these issues.

[3] A joint memorandum of the parties requests the Court to make consent orders.

<sup>1</sup> *Clarkson v Clarkson* [\[2024\] NZERA 90 \(Member O'Sullivan\)](#).

HUGH OSWALD CLARKSON, IAN NEIL CLARKSON AND PETER RICHARD CLARKSON AS

TRUSTEES OF THE GLENLYON TRUST v PETER CLARKSON [\[2024\] NZEmpC 138](#) [1 August 2024]

[4] Accordingly, by consent, I make the following orders:

(a) Paragraphs [68]–[72](a)–(b) and [79](c)–(d) of the Authority's determination are set aside, and this judgment stands in place of those paragraphs.

(b) The sums of:

- (i) \$87,500 (gross) for public and alternative holidays;
- (ii) \$8,168.11 (gross) as reimbursement for lost wages; and
- (iii) \$20,000 for humiliation, loss of dignity and injury to feelings

are to be paid from the trust fund by the plaintiffs to the defendant on or before 15 August 2024.

(c) This proceeding is discontinued with no issue as to costs, which will lie where they fall.

(d) Other terms of the agreement are confidential to the parties and their advisers.

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

B A Corkill Judge

Judgment signed at 3.15 pm on 1 August 2024

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