



Employment Court of New Zealand

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Damerell Group Property Management Limited v Baxter [2021] NZEmpC 210 (25 November 2021)

Last Updated: 2 December 2021

IN THE EMPLOYMENT COURT OF NEW ZEALAND AUCKLAND

I TE KŌTI TAKE MAHI O AOTEAROA TĀMAKI MAKĀURAU

[\[2021\] NZEmpC 210](#)

EMPC 186/2021

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
BETWEEN	DAMERELL GROUP PROPERTY MANAGEMENT LIMITED Plaintiff
AND	KIRSTY MICHELLE BETTYE BAXTER Defendant

Hearing: On the papers
Appearances: A Schirnack, counsel for plaintiff
S Cook and T Ioelu, counsel for
defendant
Judgment: 25 November 2021

CONSENT JUDGMENT OF JUDGE KATHRYN BECK

[1] This proceeding involves a challenge by the plaintiff to that part of a determination of the Employment Relations Authority (dated 3 May 2021) which found that from 17 August 2015 to 31 March 2018 the defendant was an employee of the plaintiff and not an independent contractor.¹

[2] The parties have settled this proceeding and have reached an agreement which they request be recorded in a judgment.

¹ *Baxter v Damerell Group Property Management Ltd* [\[2021\] NZERA 154 \(Member Arthur\)](#).

DAMERELL GROUP PROPERTY MANAGEMENT LIMITED v KIRSTY MICHELLE BETTYE BAXTER [\[2021\] NZEmpC 210](#) [25 November 2021]

[3] The parties agree that from 17 August 2015 to 31 March 2018 the defendant was an independent contractor, and not an employee of the plaintiff.

[4] By consent I order that:

- (a) paragraphs A and [47] of the Authority's determination are set aside;
- (b) the amounts awarded by the Authority in its 3 May 2021 determination and further determination (dated 18 October 2021) remain payable; and
- (c) there is no order for costs in relation to this proceeding.

Kathryn Beck Judge

Judgment signed at 3.15 pm on 25 November 2021

