

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

**I TE KŌTI TAKE MAHI O AOTEAROA  
ŌTAUTAHI**

**[2022] NZEmpC 228  
EMPC 13/2019**

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

AND IN THE MATTER OF an application for stay of proceedings

BETWEEN HAIRLAND HOLDINGS LIMITED  
Plaintiff

AND THE CHIEF EXECUTIVE OF THE  
MINISTRY OF BUSINESS, INNOVATION  
AND EMPLOYMENT  
Defendant

**EMPC 313/2022**

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

AND IN THE MATTER OF an application for stay of proceedings

BETWEEN HAIRLAND HOLDINGS LIMITED  
Plaintiff

AND A LABOUR INSPECTOR OF THE  
MINISTRY OF BUSINESS,  
INNOVATION AND EMPLOYMENT  
Defendant

Hearing: On the papers

Appearances: P Fisher, counsel for plaintiff  
G La Hood, counsel for defendant

Judgment: 9 December 2022

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**INTERLOCUTORY JUDGMENT (NO 3) OF JUDGE K G SMITH  
(Application for stay of proceedings)**

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[1] On 12 September 2022, judgment was issued in an application by the Chief Executive and a Labour Inspector of the Ministry of Business, Innovation and Employment (MBIE), seeking to strike out these proceedings.<sup>1</sup> The application was unsuccessful.

[2] An application for leave to appeal to the Court of Appeal has now been filed. In support of that application, the Chief Executive of MBIE has sought a stay of proceedings, seeking to preserve the status quo of the parties until such time as the appeal is determined.

[3] Hairland Holdings Ltd has, by memorandum of its counsel, consented to the stay being granted.

[4] In these circumstances, an order is appropriate. By consent, I order that these proceedings are stayed pending the outcome of the application for leave to appeal to the Court of Appeal and, if that application is successful, until such time as the appeal is decided.

[5] Costs are reserved.

KG Smith  
Judge

Judgment signed at 3.30 pm on 9 December 2022

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<sup>1</sup> *Hairland Holdings Ltd v The Chief Executive of the Ministry of Business, Innovation and Employment* [2022] NZEmpC 169.