

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

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKĀURAU**

**[2023] NZEmpC 228
EMPC 368/2023**

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
BETWEEN	YJL Plaintiff
AND	TALENT PROPELLER LIMITED Defendant

Hearing: On the papers

Appearances: A Fechney, advocate for plaintiff
R Upton, counsel for defendant

Judgment: 15 December 2023

**CONSENT INTERLOCUTORY JUDGMENT OF JUDGE K G SMITH
(Application for stay of execution)**

[1] In a determination of 18 September 2023, the Employment Relations Authority dealt with several employment relationship problems arising from YJL's employment and subsequent dismissal by Talent Propeller Ltd.¹

[2] At the conclusion of the investigation the Authority ordered Talent Propeller to pay YJL \$2,000 under s 123(1)(c)(i) of the Employment Relations Act 2000.² YJL was ordered to pay Talent Propeller a penalty of \$5,000 for breaches of the

¹ *Talent Propeller Ltd v YJL* [2023] NZERA 534 (Member Ulrich).

² At [107].

employment agreement. Both sums were payable within 21 days of the date of the determination.³

[3] YJL challenged the determination and has applied for a stay. Talent Propeller expressed concerns about that application and reserved its position about certain statements it contains, but took a pragmatic view and consented.

Outcome

[4] A stay is appropriate in the circumstances. By consent, I order that the Authority's determination is stayed until further order of the Court.

[5] Costs are reserved.

K G Smith
Judge

Judgment signed at 9.45 am on 15 December 2023

³ At [108].