

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

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

**[2023] NZEmpC 236  
EMPC 269/2023**

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	HARDY ST PHARMACY LIMITED Plaintiff
AND	MOHAMED IBRAHIM HASSAN MOHAMED Defendant

Hearing: On the papers

Appearances: H Fletcher, counsel for plaintiff  
L Ingham, counsel for defendant

Judgment: 20 December 2023

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

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[1] On 12 July 2023, the Employment Relations Authority made orders that Hardy St Pharmacy Ltd pay to Mohamed Ibrahim Hassan Mohamed the following amounts:<sup>1</sup>

- (a) \$5,675.31 for the recovery of wages under the Wages Protection Act 1983;
- (b) \$392.44 gross under the Holidays Act 2003; and

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<sup>1</sup> *Mohamed v Hardy St Pharmacy Ltd* [2023] NZERA 367 (Member Baker).

(c) \$7,000 compensation under s 123(1)(c)(i) of the Employment Relations Act 2000.

[2] The Authority ordered the Pharmacy to pay interest on the wage arrears, costs associated with the investigation and to reimburse the filing fee that had been paid. In addition, the Pharmacy was ordered to pay a penalty of \$4,000 for breaching the Wages Protection Act of which \$2,000 was payable to Mr Mohamed and the balance to the Crown.

[3] The Pharmacy has challenged the determination and, seeking to preserve its position, has applied for a stay of the determination. The application proposes that the amount of \$17,389.31 plus interest of \$373.07 be paid to the Registrar of this Court to be held in an interest-bearing account until further order of the Court.

[4] Counsel, by joint memorandum, have asked for orders to be made by consent. I am satisfied that it is appropriate in the circumstances to grant a stay. By consent the Authority's determination is stayed on the condition that the amounts referred to in para [3] above are paid to the Registrar no later than **4 pm on 30 January 2024**.

[5] Costs are reserved.

K G Smith  
Judge

Judgment signed at 3.45 pm on 20 December 2023