

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

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

**[2023] NZEmpC 86
EMPC 256/2022
EMPC 425/2022**

IN THE MATTER OF challenges to two determinations of the
Employment Relations Authority

AND IN THE MATTER OF an application for a stay of execution

BETWEEN BIGSON GUMBEZE
Plaintiff

AND THE CHIEF EXECUTIVE OF
ORANGA TAMARIKI – MINISTRY
FOR CHILDREN
Defendant

Hearing: On the papers

Appearances: D Fleming and KL Singleton, counsel for plaintiff
RM Butler and DT Smith, counsel for defendant

Judgment: 9 June 2023

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

[1] On 2 June 2022 the Employment Relations Authority dismissed Bigson Gumbeze’s claim that he had been unjustifiably dismissed by the Chief Executive of Oranga Tamariki – Ministry for Children.¹ Mr Gumbeze was ordered to pay costs of \$15,000.²

¹ *Gumbeze v Chief Executive of Oranga Tamariki – Ministry for Children* [2022] NZERA 232 (Member Cheyne) [*Substantive determination*].

² *Gumbeze v Chief Executive of Oranga Tamariki – Ministry for Children* [2022] NZERA 312 (Member Cheyne) [*Costs determination*].

[2] Mr Gumbeze has challenged the Authority's determinations and applied for a stay of execution of the costs determination.

[3] The parties' counsel filed a joint memorandum agreeing that the stay could be granted by consent, subject to the condition that \$9,000 be paid by Mr Gumbeze to the Registrar to be held on certain terms.

[4] I am satisfied it is appropriate for an order to be made. The Authority's costs determination is stayed by consent subject to:

- (a) Mr Gumbeze paying \$9,000 to the Registrar of the Court no later than **4 pm on 31 July 2023**.
- (b) The amount in [4](a) being held by the Registrar in an interest-bearing account pending further order of the Court or agreement in writing by the parties.

[5] Leave is reserved to apply to amend or vary the order.

K G Smith
Judge

Judgment signed at 12 pm on 9 June 2023