

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

**I TE KŌTI TAKE MAHI O AOTEAROA
TE WHANGANUI-A-TARA**

**[2024] NZEmpC 86
EMPC 103/2024**

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

AND IN THE MATTER OF an application for stay of execution

BETWEEN CHIEF OF THE NEW ZEALAND
 DEFENCE FORCE
 Plaintiff

AND YFX
 Defendant

Hearing: On the papers

Appearances: J Boyle and I Kitchin, counsel for plaintiff
 A Mapu and A de La Cruz, advocate for defendant

Judgment: 21 May 2024

CONSENT JUDGMENT OF JUDGE B A CORKILL

[1] In this proceeding the plaintiff sought an order staying execution of the determination of the Employment Relations Authority, pending the outcome of its challenge.¹

[2] The parties now seek an order by consent staying execution of the sums awarded in the determination, and agree that no enforcement action will be taken.

[3] Agreement has been reached on the basis that a representative of the plaintiff will provide an undertaking confirming the plaintiff has the means to pay, and will

¹ *YFX v Chief of the New Zealand Defence Force* [2024] NZERA 86 (Member Loftus).

pay, any judgment sum ordered by the Court within 28 days if its challenge is unsuccessful.

[4] Accordingly, subject to the provision of the undertaking, I make an order staying execution of the Authority's determination until further order of the Court.

[5] I record that an interim non-publication order in respect of the defendant's name and identifying details has been made, so as to preserve the integrity of the non-publication order made by the Authority in its determination.

[6] I reserve costs on this issue.

B A Corkill
Judge

Judgment signed at 5 pm on 21 May 2024