

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

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

**[2025] NZEmpC 252
EMPC 309/2025**

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority
EMPC 310/2025

IN THE MATTER OF an application for leave to extend time to file
a challenge to a determination of the
Employment Relations Authority

AND IN THE MATTER OF an application for stay of proceedings
EMPC 311/2025

IN THE MATTER OF an application for leave to extend time to file
a challenge to a determination of the
Employment Relations Authority

AND IN THE MATTER OF an application for stay of proceedings

BETWEEN KELVIN HUGH WILSON
Plaintiff

AND CHIEF EXECUTIVE OF INLAND
REVENUE DEPARTMENT
Defendant

Hearing: On the papers

Appearances: G Paine, counsel for plaintiff
S Hornsby-Geluk, counsel for defendant

Judgment: 28 November 2025

**CONSENT INTERLOCUTORY JUDGMENT OF JUDGE HELEN DOYLE
(Applications for stay)**

[1] Mr Wilson has filed three sets of proceedings in this Court.

EMPC 309/2025

[2] The first de novo challenge is in relation to EMPC 309/2025 to a determination of the Employment Relations Authority (the Authority) dated 19 June 2025.¹ It relates to a challenge of the Authority's determination not to reopen its investigation and to award costs for the substantive investigation. An application for stay of proceedings has been filed in respect of this matter. A notice of opposition has been filed to the application for stay.

EMPC 310/2025

[3] An application for leave to extend time to file a challenge the Authority's determination has been filed under EMPC 310/2025.² It relates to the Authority's preliminary determination that terms of settlement and a document were not admissible in the investigation proceedings because they were covered by the mediation confidentiality in ss 148(1) and 148(3) of the Employment Relations Act 2000 (the Act). A notice of opposition has been filed.

EMPC 311/2025

[4] An application for leave to extend time to file a challenge the Authority's substantive determination has also been filed under EMPC 311/2025.³ An application for a stay of proceedings has been filed in respect of this matter. A notice of opposition has been filed.

Agreement reached for effective disposition of the matter

[5] The parties have agreed, following a directions conference with the Court and subsequent memoranda, to the following:

- (a) The de novo challenge filed under EMPC 309/2025 will be dealt with first on the papers. A timetable will be set for submissions. If Mr

¹ *Wilson v Chief Executive of Inland Revenue* [2025] NZERA 357.

² *Wilson v Chief Executive of Inland Revenue* [2024] NZERA 344.

³ *Wilson v Chief Executive of Inland Revenue Department* [2025] NZERA 18.

Wilson is successful, the matter will be referred to the Authority, and any remaining matters before the Court will be in abeyance.

- (b) If Mr Wilson is unsuccessful, the Court will proceed to consider the applications for leave to extend time to file a challenge, including any jurisdictional issues in respect of EMPC 310/2025.
- (c) Pending a decision in EMPC 309/2025, there will be a stay of execution of the costs award in the Authority determination [2025] NZERA 357. The stay will be revisited after the decision is issued.
- (d) An application for stay of proceedings was also filed in respect of the substantive Authority determination [2025] NZERA 18. The Authority dismissed Mr Wilson's claims in the determination but made no other orders that could be the subject of a stay.⁴

[6] Leave is reserved for either party to seek any further orders in respect of the proceedings.

[7] Costs are reserved.

Helen Doyle
Judge

Judgment signed at 8.45 am on 28 November 2025

⁴ A stay of the determination of costs may have been the subject of an order. In this matter costs were then ordered payable in the subsequent determination.