

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

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

**[2026] NZEmpC 3
EMPC 612/2025**

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 THE BOARD OF TRUSTEES
 Plaintiff

AND LGY
 Defendant

Hearing: On the papers

Appearances: J C Sanders, counsel for plaintiff
 K Dalziel, counsel for defendant

Judgment: 15 January 2026

**CONSENT INTERLOCUTORY JUDGMENT OF JUDGE KATHRYN BECK
(Application for stay of execution)**

[1] The plaintiff, the Board of Trustees (the Board), has challenged a determination of the Employment Relations Authority.¹

[2] This judgment deals with the plaintiff's application for a stay of execution of the Authority's decision to reinstate the defendant, LGY, to their former role with the plaintiff.

[3] On 13 January 2026, the parties filed a joint memorandum agreeing certain conditions. In those circumstances, I make the following orders by consent:

¹ *LGY v The Board of Trustees* [2025] NZERA 809.

- (a) The challenge is to proceed in accordance with the timetabling directions set out at [7] of the Court's minute dated 23 December 2025.
- (b) The defendant will remain on the plaintiff's payroll and is entitled to retain the plaintiff's laptop until the Court issues its judgment in respect of the challenge.
- (c) The plaintiff is not required to provide the defendant with work between now and the issuing of the Court's judgment.
- (d) The defendant is not required to perform work for the plaintiff and will not attend the plaintiff's premises between now and the issuing of the Court's judgment.

[4] The Authority has made non-publication orders prohibiting the publication of the name and identity of the parties in this proceeding. This extends to members of the board and employees of the plaintiff.² In her minute of 23 December 2025, Judge King made an order continuing the non-publication orders made by the Authority until further order of the Court. The parties have consented to that order continuing.

[5] As noted by the Authority, the evidence is untested at this stage, but it is critical of both parties.³ The untested evidence is likely to harm the applicant, impact both parties' reputations, and impact the ability of the Authority to undertake its substantive investigation. Accordingly, there may be a risk of adverse consequences arising from publication to one or both parties, although that will need to be properly determined at a later stage. Further, the continuation of the non-publication orders ensures that the orders of the Authority are not undermined.

[6] Accordingly, the non-publication orders prohibiting the publication of the name and identity of the parties in this proceeding, the members of the Board, and employees of the plaintiff, will continue on an interim basis pending further order of the Court.

² At [12].

³ At [10].

[7] Any parties seeking to make those orders permanent must file and serve a formal application with supporting affidavit evidence by 27 January 2026. The application for non-publication will be dealt with at the same time as the application for interim reinstatement. For the avoidance of doubt, any notice of opposition, with supporting affidavits, must be filed and served no later than 10 February 2026. The applicant for the orders may file and serve any affidavit evidence, strictly in reply, by 17 February 2026. Submissions in support of, or in opposition to, the application must be filed and served no later than 20 February 2026.

[8] Leave is reserved for either party to apply to the Court for further directions or orders on reasonable notice.

[9] Costs are reserved.

Kathryn Beck
Judge

Judgment signed at 2.35 pm on 15 January 2026