



Employment Court of New Zealand

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Sealord Group Limited v Pickering [2013] NZEmpC 186 (8 October 2013)

Last Updated: 23 October 2013

IN THE EMPLOYMENT COURT CHRISTCHURCH

[\[2013\] NZEmpC 186](#)

CRC 42/13

IN THE MATTER OF a challenge to a determination of the

Employment Relations Authority

AND IN THE MATTER of an application for urgency and an application for a stay of proceedings

BETWEEN SEALORD GROUP LIMITED Plaintiff

AND AARON PICKERING Defendant

Hearing: Following a telephone conference call on 8 October 2013 (Heard at Wellington)

Counsel: Scott Worthy, counsel for plaintiff

Anjela Sharma, counsel for defendant

Judgment: 8 October 2013

INTERLOCUTORY JUDGMENT OF JUDGE CHRISTINA INGLIS

[1] The plaintiff has filed a challenge to a determination of the Employment Relations Authority (the Authority).^[1] This morning it applied for a stay of proceedings pending determination of the challenge, and sought additional orders relating to urgency. The application was supported by an affidavit, sworn by Mr Paulin, the General Manager of Sealord Fishing, Sealord Group Limited.

[2] An urgent telephone conference was convened this afternoon, and interim orders were made at the conclusion of the conference (as set out below).

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[3] Urgency was sought because enforcement action by the District Court was imminent. The Collections Unit had advised the plaintiff earlier today that it would not accede to a request advanced on behalf of the plaintiff that enforcement action be suspended in light of the present application. During the course of the telephone conference Mr Worthy, counsel for the plaintiff, advised that the bailiff was in fact in attendance at the plaintiff's offices. In the circumstances it has been necessary to deal with the application on an urgent basis. I did not take Ms Sharma, counsel for the defendant, to suggest otherwise.

[4] The difficulty for Ms Sharma is that her client, Mr Pickering, is currently pig hunting and cannot be contacted. That means that she is unable to obtain instructions in relation to the application. I indicated to counsel that, in the circumstances, I was prepared to deal with the application on an interim basis (to preserve the position of the plaintiff) but not a permanent basis (to preserve the position of the defendant, in the event that he wishes to oppose it).

[5] Following discussion, I made the following interim orders:

a) Pending final determination of the plaintiff's application dated 8 October

2013 for a stay of proceedings, or further order of the Court, execution of the Authority's determination ([2013] NZERA Christchurch 161) is stayed on the following condition:

i) that no later than seven days from today's date, the plaintiff must pay the sum of \$79,973.86 to the Registrar of the Employment Court, to be held by the Registrar in an interest bearing account.

[6] As discussed, it may be that once Ms Sharma has had the opportunity to obtain instructions from her client the application can be dealt with on a consent basis. If that is so a joint memorandum can be filed and additional orders made, as appropriate, without the need for a further hearing.

[7] Leave is reserved for either party to apply for further orders in respect of the interim stay.

[8] Costs are reserved.

Christina Inglis

Judge

Judgment signed at 3pm on 8 October 2013

[\[1\]](#) [2013] NZERA Christchurch 161.

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