

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

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

**[2025] NZEmpC 266  
EMPC 443/2025**

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

BETWEEN                      UQB  
   Plaintiff

AND                              ACCIDENT COMPENSATION  
   CORPORATION  
   Defendant

**EMPC 543/2025**

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

AND IN THE MATTER OF    an application for interim stay of  
   proceedings

BETWEEN                      ACCIDENT COMPENSATION  
   CORPORATION  
   Plaintiff

AND                              UQB  
   Defendant

Hearing:                      9 December 2025 (by telephone)

Appearances:                UQB in person  
   B Locke, counsel for the Accident Compensation Corporation

Judgment:                    9 December 2025

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**INTERLOCUTORY JUDGMENT (NO 2) OF JUDGE J C HOLDEN  
(Application for interim stay of proceedings)**

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[1] Both parties have challenged determinations of the Employment Relations Authority. Accident Compensation Corporation's challenge is to the Authority's costs determination, which required it to pay \$2,250 for costs to UQB by 5 December 2025.<sup>1</sup>

[2] On 18 November 2025, ACC applied for a stay of the Authority's costs determination, which would effectively stay the obligation to pay the costs awarded in that determination pending the outcome of its challenge.

[3] At a directions conference convened on 2 December 2025, the parties agreed that a judicial settlement conference would be useful, and one has been arranged to take place on 9 February 2026.

[4] ACC had hoped that the agreement to attend a judicial settlement conference would mean that UQB would agree not to seek to enforce the costs determination in the meantime. Unfortunately, UQB did not agree to that course.

[5] Given the position adopted by UQB, ACC has applied for an interim stay of proceedings to prevent the enforcement of the costs award until its substantive application for a stay is determined. UQB filed a notice of opposition and affidavit, and I heard from the parties on 9 December 2025.

[6] UQB's key points were that ACC's application is speculative and it has no evidential foundation. While I acknowledge those points, I note the substantive application has not been timetabled to a conclusion at this stage, and that timetabling would include time for filing evidence and submissions from both sides. Further, while it is for ACC to prove its case for a stay, it was open to UQB to provide evidence at this point to satisfy ACC's concerns but has chosen not to do so.

[7] The reality is that, if there is no interim stay, and ACC complies with its current obligation to pay the costs award, its substantive application for a stay will be rendered nugatory. UQB acknowledges that, but says that whichever way I go, one or other parties' position is rendered nugatory. The difference, however, is that for UQB, if he is successful in opposing the substantive application for a stay, payment is deferred

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<sup>1</sup> *UQB v Accident Compensation Corporation* [2025] NZERA 711.

until a judgment on the substantive application is determined, but if ACC's argument in support of its application is valid, its position may not be redeemable.

[8] I have considered whether to timetable the substantive application to a quick conclusion, and to make an interim order just to cover that process, but even if I did that, it is likely the judgment on the substantive application would not be given until after the judicial settlement conference.

[9] Also, given there is to be a judicial settlement conference, it is reasonable to defer the need for time and cost to be spent on the substantive application at this stage, as it may not prove necessary.

[10] For these reasons, the balance of convenience favours an interim order until after the judicial settlement conference; it is appropriate to make such an order in the circumstances.

[11] Accordingly, there is a stay of the order made by the Authority in the costs determination, pending further order of the Court. Although there should be no prospect of ACC being unable or unwilling to pay the award should its challenge be unsuccessful, for the sake of transparency, and as it is willing to do so, the stay is on the condition that ACC pay \$2,250 into Court by 4pm on 18 December 2025, which the Registrar is to place in an interest bearing account pending further order of the Court.

[12] Should the matters between the parties not be resolved at the judicial settlement conference, a further directions conference will be convened by the Court promptly to make timetabling orders, including in respect of ACC's substantive application for a stay.

[13] Costs are reserved.

J C Holden  
Judge

Judgment signed at 3 pm on Tuesday 9 December 2025