

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

**I TE KŌTI TAKE MAHI O AOTEAROA  
TĀMAKI MAKĀURAU**

**[2025] NZEmpC 33  
EMPC 90/2025**

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for a stay of execution
BETWEEN	VEGEPOD NZ LIMITED Plaintiff
AND	ANDREW LOWE First Defendant
AND	LISA LOWE Second Defendant

Hearing: On the papers

Appearances: M O'Brien, counsel for plaintiff  
S Mitchell KC, counsel for defendants

Judgment: 4 March 2025

---

**INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS  
(Application for a stay of execution)**

---

[1] The plaintiff has filed a challenge to a determination of the Employment Relations Authority (the Authority) ordering the defendants be reinstated on an interim basis pending the outcome of their personal grievance claims for unjustified dismissal.<sup>1</sup> The Authority ordered that reinstatement was to be initially to the payroll

---

<sup>1</sup> *Lowe v Vegepod NZ Ltd* [2025] NZERA 109 (Member Kennedy-Martin).

for a period of two weeks to enable the parties to make arrangements for a return to the workplace until further order of the Authority or the Court.<sup>2</sup>

[2] The plaintiff applied to the Court for urgency in respect of their challenge and filed a parallel application for a partial stay of the Authority's orders pending the outcome of the challenge.

[3] In light of the circumstances, including the timeframe within which the Authority's orders were to take effect and the fact that reinstatement was at issue, I ordered the challenge be accorded urgency.<sup>3</sup>

[4] The parties have since filed a joint memorandum seeking orders, by consent. I am satisfied that it is appropriate to make the orders sought. I accordingly make an order staying execution of that part of the Authority's determination directing that the defendants be returned to the plaintiff's workplace as of 6 March 2025. For the avoidance of doubt, that part of the Authority's order requiring that the defendants be reinstated to the payroll is not subject to the stay order.

[5] The defendants should advise the Court promptly as to whether they are agreeable to the timetabling directions sought by the plaintiff in the memorandum of counsel dated 3 March 2025. Otherwise, a telephone conference should be scheduled at the first available time to progress the challenge on an urgent basis.

[6] Costs are reserved.

Christina Inglis  
Chief Judge

Judgment signed at 11.45 am on 4 March 2025

---

<sup>2</sup> At [108].

<sup>3</sup> *Vegepod NZ Ltd v Lowe* EMPC 90/2025, 3 March 2025.