

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

WA 81A/10
5302515

BETWEEN

ALANA ADAMS
Applicant

AND

WELLINGTON FREE
AMBULANCE SERVICE
INCORPORATED
Respondent

Member of Authority: G J Wood

Representatives: Tim Blake for the Applicant
Paul McBride for the Respondent

Investigation Meeting: By way of telephone conference on 30 April 2010

Determination: 30 April 2010

ORAL DETERMINATION OF THE AUTHORITY

[1] I refer to my determination of 28 April 2010 (WA81/10) as background to this application by the respondent for a stay.

[2] There are a number of important points to cover off in an application for stay, namely –

- Whether or not a failure to grant a stay would make the challenge nugatory;
- The effect to which a stay will have an injurious effect on the applicant;
- Whether the challenge is genuine and being properly pursued;
- The novelty and importance of the questions to be determined on challenge.

[3] The applicant was successful in her claim for interim reinstatement, but the respondent has challenged that promptly to the Court, on a *de novo* basis.

[4] It is clear that in terms of interim reinstatement, if the respondent is not granted a stay, that challenge will in effect be (if not totally) rendered nugatory to a significant degree.

[5] The applicant is not going to be financially penalised to any great extent.

[6] This is clearly a genuine challenge. The application was hard fought and opposed strongly at the time, and continues to be so. The challenge appears to have been promptly, and thus properly, pursued to date.

[7] I am not sure if there are any novel or important questions of law, but I do not think that is a factor either way.

[8] On the basis of those factors, particularly the fact that there is little injurious effect to the applicant in terms of any delay that might be involved (but that is subject to what the Court does), and the fact that if the stay is not granted the challenge may be to a degree rendered nugatory, or WFAS will have to deal with the very problem it is fighting hard to avoid, I order a stay pending further orders of the Court, provided that the Wellington Free Ambulance Service diligently pursues its challenge.

[9] Costs are reserved.

G J Wood
Member of the Employment Relations Authority