



# Employment Court of New Zealand

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## Allied Investments Limited v Jones [2024] NZEmpC 210 (5 November 2024)

Last Updated: 8 November 2024

IN THE EMPLOYMENT COURT OF NEW ZEALAND WELLINGTON

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

[\[2024\] NZEmpC 210](#)

EMPC 438/2024

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for stay of proceedings
BETWEEN	ALLIED INVESTMENTS LIMITED Plaintiff
AND	PETER JONES Defendant

Hearing: On the papers

Appearances: S Hornsby-Geluk, counsel for plaintiff  
G Ogilvie, advocate for defendant

Judgment: 5 November 2024

### CONSENT INTERLOCUTORY JUDGMENT (NO 2) OF CHIEF JUDGE CHRISTINA INGLIS

(Application for stay of proceedings)

[1] The plaintiff has challenged a determination of the Employment Relations Authority (the Authority) finding that the defendant was unjustifiably constructively dismissed and ordering remedies in his favour.<sup>1</sup> Applications for urgency and a stay of proceedings were filed concurrently. Urgency was sought because the Authority's orders became enforceable yesterday, 4 November 2024.

<sup>1</sup> *Jones v Allied Investments Ltd* [\[2024\] NZERA 595](#) (Member Kennedy-Martin).

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[2] A telephone conference was convened on 4 November 2024 to deal with the interlocutory applications. At the conference I made an interim order for a stay, for reasons explained in a judgment issued that day.<sup>2</sup> It was agreed that Mr Ogilvie, the defendant's representative, would take instructions and advise the Court if the application for stay could be dealt with on a consent basis, namely by payment into Court.

[3] Mr Ogilvie has today filed a memorandum confirming that the plaintiff's application can be dealt with on an agreed basis. I am satisfied that it is appropriate to order a stay of execution of the orders made by the Authority against the plaintiff on the following conditions:

- the plaintiff is to pay into Court the amounts ordered to be paid to the defendant by the Authority in its determination within 14 days of the date of this judgment;
- the sum is to be held by the Court on an interest-bearing account;
- the sum is to be paid out on determination of the plaintiff's challenge or at the direction of a Judge;
- the plaintiff is to pursue its challenge promptly;

(e) costs in relation to the applications for urgency and stay are reserved.

Christina Inglis Chief Judge

Judgment signed at 4.30 pm on 5 November 2024

2 *Allied Investments Ltd v Jones* [2024] NZEmpC 208 at [6].

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