



Employment Court of New Zealand

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Vice-Chancellor of Lincoln University v Cheng [2024] NZEmpC 196 (9 October 2024)

Last Updated: 14 October 2024

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2024\] NZEmpC 196](#)

EMPC 375/2024

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	THE VICE CHANCELLOR OF LINCOLN UNIVERSITY Plaintiff
AND	XINYI (ERIN) CHENG Defendant

Hearing: On the papers

Appearances: S G Wilson, counsel for plaintiff
R Bryant, counsel for defendant

Judgment: 9 October 2024

CONSENT INTERLOCUTORY JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS

(Application for stay of proceedings)

[1] The plaintiff has challenged a determination of the Employment Relations Authority (the Authority) ordering the defendant's interim reinstatement, pending the Authority's substantive investigation and determination into her alleged unjustified dismissal.¹ Applications for urgency and a stay of proceedings were filed concurrently.

¹ *Cheng v The Vice Chancellor of Lincoln University* [\[2024\] NZERA 552 \(Member van Keulen\)](#).

THE VICE CHANCELLOR OF LINCOLN UNIVERSITY v XINYI (ERIN) CHENG [\[2024\] NZEmpC 196](#) [9 October 2024]

[2] A telephone directions conference was convened on 7 October 2024 to deal with the interlocutory applications. It was agreed that counsel would discuss matters with a view to reaching agreement if possible, in light of the fact that the Court can accommodate an early hearing on 22 October 2024.

[3] Counsel have conferred and have filed a joint memorandum dated 8 October 2024 in relation to the stay application, seeking orders by consent on agreed conditions.

[4] I am satisfied that it is appropriate to make the orders sought. Accordingly, there is a stay of execution of the Authority's interim determination ([2024] NZERA

552) until the plaintiff's challenge is determined by the Court. The stay is ordered on the following conditions:

- (a) the defendant remains on the University's payroll;
- (b) the plaintiff is not required to provide the defendant with work;
- (c) the defendant is not required to perform work for the plaintiff;
- (d) no issue of costs arises between the parties on the plaintiff's application for a stay; and
- (e) the plaintiff's challenge is heard on 22 October 2024.

Christina Inglis Chief Judge

Judgment signed at 12.30 pm on 9 October 2024

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