

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

**I TE KŌTI TAKE MAHI O AOTEAROA
ŌTAUHAHI**

**[2020] NZEmpC 215
EMPC 384/2020**

IN THE MATTER OF	an application for leave to extend time to file a challenge to a determination of the Employment Relations Authority
BETWEEN	THOMAS EDWARDS Applicant
AND	RECREATIONAL SERVICES LIMITED Respondent

Hearing: On the papers

Appearances: P Moore, advocate for applicant
G Pollak, counsel for respondent

Judgment: 4 December 2020

CONSENT JUDGMENT OF JUDGE K G SMITH

[1] On 4 August 2020 the Employment Relations Authority dismissed claims by Thomas Edwards that he had been unjustifiably dismissed by Recreational Services Ltd.¹ The Authority also dismissed his wage and holiday claims.²

[2] Mr Edwards challenged the determination and sought a full hearing of the entire matter. He sought findings that he was a permanent employee who had been unjustifiably dismissed together with financial remedies. Recreational Services has denied these claims.

¹ *Edwards v Recreational Services Ltd* [2020] NZERA 301 (Member Loftus).

² At [39].

[3] After the challenge was filed the Authority issued a second determination dealing with costs arising from the investigation meeting.³ Having been unsuccessful, Mr Edwards was ordered to pay Recreational Services costs of \$3,500 no later than 4 pm on Wednesday 11 November 2020.

[4] The costs determination was not challenged within time.⁴ Mr Edwards has now applied for leave to extend the time to challenge the costs determination. The sole ground of the application was that a mistake had been made by his agent, Mr Moore, who wrongly believed that a successful challenge to the substantive determination would automatically result in the costs determination being set aside.

[5] Recreational Services has consented to the application. For that reason I am satisfied it can be allowed and time extended accordingly.

[6] The application is granted. A statement of claim is to be filed and served no later than **4 pm on Friday 11 December 2020**.

[7] Costs are reserved.

K G Smith
Judge

Judgment signed at 9.30 am on 4 December 2020

³ *Edwards v Recreational Services Ltd* [2020] NZERA 424 (Member Loftus).

⁴ Employment Relations Act 2000, s 179(2).