

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

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

**[2024] NZEmpC 59  
EMPC 293/2023**

IN THE MATTER OF a challenge to a determination of the  
Employment Relations Authority

AND IN THE MATTER OF an application for costs

BETWEEN THE PORT HILLS FOUNDATION  
CHARITABLE TRUST  
Plaintiff

AND ALI'ITASI LUAMANUVAE-SU'A  
Defendant

Hearing: On the papers

Appearances: L Quartermain, agent for plaintiff  
P Brown, counsel for defendant

Judgment: 9 April 2024

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**COSTS JUDGMENT OF JUDGE K G SMITH**

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[1] In a determination of 22 June 2023, the Employment Relations Authority held that the Port Hills Foundation Charitable Trust was to pay Ali'itasi Luamanuvae-Su'a the following sums:<sup>1</sup>

- (a) \$2,925 gross for unpaid notice.
- (b) \$8,000 compensation under s 123(1)(c) of the Employment Relations Act 2000 (the Act).

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<sup>1</sup> *Luamanuvae-Su'a v The Port Hills Foundation Charitable Trust* [2023] NZERA 328 (Member Baker).

(c) \$9,450 gross for 12 weeks of lost earnings under s 128 of the Act.

(d) \$1,016.56 gross for holiday pay under s 23 of the Holidays Act 2003.

[2] Subsequently, the Authority ordered the Trust to pay to Ms Luamanuvae-Su'a costs of \$1,925 and to refund the filing fee of \$71.55.<sup>2</sup>

[3] The Trust sought to challenge the Authority's determinations but did not do so within the time allowed by s 179(1) of the Act. It applied for an extension of time. That application was opposed by Ms Luamanuvae-Su'a who also applied to strike it out.

[4] Directions were made for the application for an extension of time to be argued. The Trust did not file submissions but Ms Luamanuvae-Su'a did. On 22 February 2024, the Trust abandoned its application.

[5] Ms Luamanuvae-Su'a seeks costs and has filed submissions to support an award of them. Despite being provided with opportunities to respond to the costs application the Trust has not done so.

[6] I proceed on the basis that Category 1A is appropriate given the issues raised by this proceeding.<sup>3</sup> Using that Category, costs amount to \$2,703. That sum is appropriate.

## **Conclusion**

[7] The Trust is to pay Ms Luamanuvae-Su'a costs of \$2,703.

K G Smith  
Judge

Judgment signed at 2.15 pm on 9 April 2024

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<sup>2</sup> *Luamanuvae-Su'a v The Port Hills Foundation Charitable Trust* [2023] NZERA 392 (Member Baker).

<sup>3</sup> "Employment Court of New Zealand Practice Directions" <[www.employmentcourt.govt.nz](http://www.employmentcourt.govt.nz)> at No 18.