

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

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

**[2025] NZEmpC 132
EMPC 462/2024**

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

AND IN THE MATTER OF an application for security for costs

BETWEEN GARY OWEN BURGESS
Plaintiff

AND TUTTON SIENKO AND HILL
PARTNERSHIP
Defendant

Hearing: On the papers

Appearances: G Burgess, plaintiff in person
A Keir, counsel for defendant

Judgment: 1 July 2025

**JUDGMENT OF JUDGE K G SMITH
(Recall)**

[1] On 28 May 2025, I issued a judgment in this proceeding granting an application by the defendant for security for costs.¹

[2] It has come to my attention that the order made at paragraph [39] of that judgment provided for Mr Burgess to pay or provide security for costs no later than 29 June 2025, which was not a business day. The date should have been 27 June 2025, providing approximately one month for security to be paid or provided.

¹ *Burgess v Tutton Sienko and Hill Partnership* [2025] NZEmpC 106.

[3] In the circumstances, I consider it is appropriate to recall the judgment and to reissue it correcting that error. Since compliance by the intended date is no longer possible, it is in the interests of justice to allow Mr Burgess further time. Paragraph [39] of the judgment is amended to allow him to pay or provide security for costs no later than **14 July 2025**.

[4] As amended the judgment is recalled and reissued.

K G Smith
Judge

Judgment signed at 3.15 pm on 1 July 2025