

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

**I TE KŌTI TAKE MAHI O AOTEAROA
TĀMAKI MAKAURAU**

**[2025] NZEmpC 142
EMPC 141/2024**

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

AND IN THE MATTER OF an application for costs

BETWEEN BREAD OF LIFE CHRISTIAN CHURCH
IN AUCKLAND
Plaintiff

AND XI (ROBERT) CHEN
Defendant

EMPC 181/2024

IN THE MATTER OF proceedings removed from the Employment
Relations Authority

AND IN THE MATTER OF an application for costs

BETWEEN XI (ROBERT) CHEN
Plaintiff

AND BREAD OF LIFE CHRISTIAN CHURCH
IN AUCKLAND
First Defendant

AND JULIA BUHAGIAR
Second Defendant

AND XIN (CONNIE) HUANG
Third Defendant

AND JIANAN (NANCY) ZHANG
Fourth Defendant

Hearing: On the papers

Appearances: G Pollak, counsel for Bread of Life Christian Church in Auckland
S Greening, counsel for Xi Chen

Judgment: 14 July 2025

COSTS JUDGMENT OF JUDGE KATHRYN BECK

[1] This judgment deals with Xi Chen’s application for costs following the Court’s judgment issued on 4 April 2025,¹ which determined that the Bread of Life Christian Church in Auckland (by its trust) employed him and that it unjustifiably dismissed him.

[2] At the conclusion of my judgment, I stated that Pastor Chen was entitled to costs and invited memoranda if the parties were unable to agree.

[3] Pastor Chen has now filed a memorandum. The Trust has taken no steps.

[4] The Court has a broad discretion as to costs.² It uses a guideline scale to guide the exercise of that discretion.³

[5] Pastor Chen seeks \$23,290 (plus GST) in costs and disbursements based on the Court’s Guideline Scale on a Category 2B basis. Counsel has confirmed that his costs exceed this amount. No issue has been taken with the calculation of costs or the disbursements. These proceedings were previously assigned Category 2B for costs purposes. I am satisfied that categorisation remains appropriate and the amount sought is reasonable, as are the disbursements.

[6] Pastor Chen is not GST registered and so it is appropriate that an uplift of 15 per cent be applied to any GST-exclusive amounts to ensure that he is not prejudiced.

[7] This is also a case where it is appropriate that he be granted costs on this application. Pastor Chen seeks \$956 (plus GST). Again, this is reasonable and appropriate in the circumstances.

¹ *Bread of Life Christian Church in Auckland v Chen* [2025] NZEmpC 69.

² Employment Relations Act 2000, sch 3 cl 19.

³ Employment Court of New Zealand “Practice Directions” (1 September 2024) <www.employmentcourt.govt.nz> at No 18.

[8] Total costs (excluding disbursements) are therefore \$27,882.90, being \$23,290 plus \$956, totalling \$24,246 with an uplift of 15 per cent.

[9] Total disbursements are \$7,660.82 (including GST), being \$2,889.41 (plus GST), totalling \$3,322.82 plus \$4,338 (including GST).

[10] The total amount owing for costs and disbursements is therefore \$35,543.72 being:

(a) \$27,882.90 as costs on this proceeding; and

(b) \$7,660.82 (including GST) for disbursements.

[11] I order that the Trust pay Pastor Chen costs of \$35,543.72 within 28 days of the date of this judgment.

Kathryn Beck
Judge

Judgment signed at 10.15 am on 14 July 2025