

so. Rather, and in response to a telephone enquiry from the Registry on 18 March 2025, Mr Liu sought an extension of time on the basis that he was seeking legal advice, was having difficulty following timetabling directions and understanding Court processes. The plaintiff has sought a two-week extension to 1 April 2025.

[3] The Court has a discretion to grant an extension of time to take various steps: s 219 of the Employment Relations Act 2000 (the Act). The discretion is to be exercised in accordance with principle. The overarching consideration is the interests of justice. The usual factors that will be considered (where relevant) are the reasons for the omission to file within time; the length of the delay; any prejudice or hardship to any other person; the effect on the rights and liabilities of the parties; and subsequent events.¹

[4] I have some considerable sympathy for the defendant in this case. The timetabling orders made by the Court followed a discussion with the parties, and were made by agreement. As Mr Dawson notes, Mr Liu did not raise any issues at the time in respect of the adequacy or otherwise of the proposed timeframes for filing documentation in support of the challenge. Nor did he raise any issues about the need to instruct a lawyer, or seek assistance. The application for leave came four days after the timeframe for filing had expired, and after enquiries had been made by Registry staff. It was then that Mr Liu said that he was having difficulties understanding the process and what was required, and that a two-week extension of time was sought to obtain legal advice.

[5] It is notable too that the current delays follow very recent delays in filing by the plaintiff. In this regard an extension of time was granted to the plaintiff on 27 February 2025 to file an application and supporting affidavit in relation to an unsuccessful application for a stay of execution.

[6] As I have said, Mr Dawson is strongly opposed to any extension being granted. He points to ongoing delays and a history of failing to comply with timetabling orders of the Authority.

¹ *Stevenson v Hato Paora College Trust Board* [2002] 2 ERNZ 103 (EmpC) at [8].

[7] While Mr Liu was invited to address the steps he had taken to obtain legal advice and assistance, and when he had done so, he has not. Rather, he refers to the need for an extension to enable him to take such steps; I infer that no steps have been taken to date.

[8] The delay in advancing an application for an extension and the apparent absence of concrete steps to date to seek the advice and assistance Mr Liu says are important weigh against the application, as does the previous indulgence granted to the plaintiff in respect of an extension of time.

[9] I accept that ongoing delay in bringing the challenge to hearing is frustrating to Mr Dawson. I note, however, that, having declined the company's application for a stay of execution, the orders of the Authority remain enforceable. Second, the extension is sought to obtain legal advice and assistance. If Mr Liu is struggling to follow the process and wishes to obtain advice, it is important that he has an opportunity to do so. More fundamentally, if the application is declined the company will not have the opportunity to be heard on the challenge.

[10] As Mr Dawson notes, the Court has a number of helpful resources on its website,² and information on process matters is available from case officers.

[11] Nevertheless, balancing all matters before me I consider it appropriate to grant the extension of time. The company is, however, on notice that no further extension will be granted in these proceedings absent compelling reason. Any such application will need to be supported by a properly sworn/affirmed affidavit.

[12] Accordingly, the application for an extension of time to file submissions is granted. The plaintiff must file and serve its submissions and material in support of its challenge no later than 4 pm on 1 April 2025. If the plaintiff fails to file and serve its submissions and material by this time and date, the file is to be referred to me immediately for further orders.

² Employment Court of New Zealand "Information & Guidance" (30 January 2025) <employmentcourt.govt.nz>.

[13] The plaintiff is on notice that any further extension of time is unlikely.

[14] The defendant has been put to unnecessary time and trouble in responding to the plaintiff's application. The defendant, who is representing themselves, is entitled to costs, the quantum of which is reserved.

Christina Inglis
Chief Judge

Judgment signed at 5.10 pm on 21 March 2025