

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

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

**[2025] NZEmpC 53
EMPC 119/2024**

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

AND IN THE MATTER OF an application for costs

BETWEEN NICOLA PREECE
 Plaintiff

AND SYNLAIT MILK LIMITED
 Defendant

Hearing: On the papers

Appearances: K Glass, advocate for plaintiff
 J C Sanders, counsel for defendant

Judgment: 20 March 2025

COSTS JUDGMENT OF JUDGE J C HOLDEN

[1] Nicola Preece challenged a determination of the Employment Relations Authority that had found that none of her three personal grievances were raised within the 90-day period provided for in s 114 of the Employment Relations Authority 2000.¹

[2] Ultimately, the Court accepted that Ms Preece had raised one personal grievance but that her other personal grievances were not raised within time.²

¹ *Preece v Synlait Milk Ltd* [2024] NZERA 131.

² *Preece v Synlait Milk Ltd* [2024] NZEmpC 238 at [50].

[3] I expressed my preliminary view that costs should lie where they fall, due to the mixed degree of success.³

[4] Notwithstanding that indication, Ms Preece has filed a memorandum with the Court regarding costs. She does not seek for costs to be determined at this stage but wishes to reserve her right to make submissions on costs in respect of the preliminary matter once the determination on the substantive matter is issued by the Authority.

[5] Synlait Milk Ltd does not agree with that suggestion and submits that, as suggested by the Court, costs should lie where they fall. It also says that any memorandum seeking costs was to be filed and served by Friday 31 January 2025 and that neither party sought costs within that timeframe. In fact, however, the memorandum seeking costs is recorded as having been filed by email at around 1pm on 31 January 2025, with counsel for the defendant copied into the email. I therefore put the timeframe issue to one side.

No costs order

[6] Whether Ms Preece raised personal grievances within the requisite timeframe is separate from the determination of her substantive claim. There is no basis to delay the decision on costs.

[7] The result before the Court was a mixed one and, accordingly, I confirm my preliminary view. There are no costs ordered in respect of the challenge on the preliminary issue.

J C Holden
Judge

Signed at 4.30 pm on Thursday 20 March 2025

³ At [52].