



# Employment Court of New Zealand

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## Hardy v Precision Solutions Limited [2024] NZEmpC 228 (26 November 2024)

Last Updated: 4 December 2024

IN THE EMPLOYMENT COURT OF NEW ZEALAND CHRISTCHURCH

I TE KŌTI TAKE MAHI O AOTEAROA ŌTAUTAHI

[\[2024\] NZEmpC 228](#)

EMPC 348/2024

IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for an extension of time to file a statement of defence
BETWEEN	PAUL HARDY Plaintiff
AND	PRECISION SOLUTIONS LIMITED Defendant

Hearing: On the papers  
Appearances: A Keir, counsel for plaintiff  
M Davis, counsel for defendant  
Judgment: 26 November 2024

### INTERLOCUTORY JUDGMENT OF JUDGE K G SMITH

(Application for an extension of time to file a statement of defence)

[1] On 19 August 2024, the Employment Relations Authority determined that Precision Solutions Ltd had established its former employee, Paul Hardy, breached certain duties he owed to it.<sup>1</sup> Damages were reserved for a further investigation.

[2] Mr Hardy disagreed with the Authority's determination and challenged it. He sought a full hearing of the issues considered by the Authority.

<sup>1</sup> *Precision Solutions Ltd v Hardy* [\[2024\] NZERA 497 \(Member Doyle\)](#).

PAUL HARDY v PRECISION SOLUTIONS LIMITED [\[2024\] NZEmpC 228](#) [26 November 2024]

[3] Precision Solutions intended to defend Mr Hardy's claim but, because of an oversight by its lawyer, delayed in filing a statement of defence by two days. It has applied for an extension of time to file the statement of defence. While the application was initially opposed by Mr Hardy that opposition has been withdrawn. Through counsel he has consented to leave being granted.

[4] The Court has a discretion to grant an extension of time to file a statement of defence.<sup>2</sup> That discretion is to be exercised in a principled way. The overarching consideration is whether granting an extension is in the interests of justice.

[5] The delay in this case was minimal and the result of an oversight. The Supreme Court has held that, in such circumstances, an extension of time should be granted desirably without opposition.<sup>3</sup>

[6] I am satisfied that it is in the interests of justice to grant the application. A statement of defence in the form accompanying the application for an extension of time is to be filed and served no later than **4 pm on 29 November 2024**.

[7] The hearing currently scheduled for 2 December 2024 is vacated.

[8] Costs are reserved.

K G Smith Judge

Judgment signed at 2.45 pm on 26 November 2024

2 [Employment Relations Act 2000, s 219](#).

3 *Almond v Read* [\[2017\] NZSC 80](#), [\[2017\] 1 NZLR 801](#) at [\[37\]](#).

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