

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2016] NZERA Auckland 43
5584843

BETWEEN IONA WIKAIRA
Applicant

A N D CHIEF EXECUTIVE OF THE
DEPARTMENT OF
CORRECTIONS
Respondent

Member of Authority: Rachel Larmer

Representatives: Mark Ryan, Counsel for Applicant
John Rooney and Courtney Walker, Counsel for
Respondent

Submissions Received: No submissions from Applicant
23 December 2015 from Respondent

Date of Determination: 15 February 2016

**COSTS DETERMINATION OF
THE EMPLOYMENT RELATIONS AUTHORITY**

Employment relationship problem

[1] Ms Wikaira's unjustified dismissal claim against the Chief Executive of the Department of Corrections (the Department) was unsuccessful.¹ The Department seeks a costs award from the Authority of \$3,500.

[2] Ms Wikaira has not filed any costs submissions nor has she sought leave from the Authority to vary the costs timetable set out in the Authority's substantive determination.

¹ [2015] NZERA Auckland 396.

[3] The principles relating to costs in the Authority are so well settled that I do not need to set them out. Suffice to say I adopt the Authority's usual notional daily tariff based approach to costs.

[4] This matter involved a one day investigation meeting. The starting point for assessing costs is therefore \$3,500, which is the current notional daily tariff. I now turn to consider whether or not there are any factors relating to this matter that should result in the notional daily tariff being adjusted.

[5] The parties have not identified any factors which would warrant a departure being made from the current notional daily tariff and I am not aware of any. In the substantive determination² Ms Wikaira was invited to file an affidavit setting out her personal and financial situation regarding her ability to pay an award of costs if she wanted this information taken into account by the Authority when it determined costs.

[6] That information has not been provided so costs are determined based on the information currently before the Authority.

[7] Ms Wikaira is ordered to pay the Department \$3,500 towards its actual legal costs.

Rachel Larmer
Member of the Employment Relations Authority

² Supra.