

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKĀURĀU ROHE**

[2023] NZERA 80
3136564

BETWEEN	PAULA KNIGHT Applicant
AND	CARRINGTON RESORT JADE LP Respondent

Member of Authority:	Andrew Gane
Representatives:	Richard Mark, counsel for the Applicant William Tan for the Respondent
Investigation meeting:	On the papers.
Submissions received:	23 January 2023 from the Applicant No submissions from the Respondent
Determination:	22 February 2023

COSTS DETERMINATION OF THE AUTHORITY

Background

[1] In my determination dated 22 December 2022, I found that Ms Paula Knight was entitled to be paid outstanding wages, outstanding holiday pay, interest on unpaid monies, and compensation from the Carrington Resort Jade LP (Carrington Resort). I reserved costs and encouraged the parties to resolve any issues of costs between themselves.

[2] The parties have been unable to do so. Ms Knight has provided submissions in support of her claim for an award of costs payable to her by Carrington Resort. These submissions have been sent to Carrington Resort, which has not responded.

[3] The Authority has adopted a daily tariff approach as the starting point for considering costs. This is well known, and the current daily tariff is \$4,500 for the first day of hearing, and \$3,500 for subsequent hearing days.¹

[4] The parties can expect the Authority to adhere to this approach, unless there is good reason to depart from it.

Ms Knights claim for costs

[5] The investigation meeting in this matter was for one day and was held in person. Ms Knight attended together with her representative and witnesses. For Carrington Resort Mr Tan attended together with witnesses.

[6] In the present case, Ms Knight seeks payment \$6,500 costs and the filing fee of \$71.56. Ms Knight submits that Carrington Resort's failure to engage constructively in the Authority's process and comply with timetabling directions has added to the Applicant's costs.

[7] The power of the Authority to award costs is contained in s 15 of schedule 2 of the Employment Relations Act 2000 (the Act). The principles and the approach adopted by the Authority in which an award of costs is made are settled.²

[8] Carrington Resort has not put forward any argument as to why there should be a departure from the normal daily tariff rate of \$4,500 for the first day of hearing. I find there is no reason to depart from the usual principle that a successful party is entitled to a contribution towards their actual legal costs. I also find that there is some merit in Ms Knight's submission for an increase in costs and award a modest up lift of \$500.

¹ For further information about the factors considered in assessing costs, see: www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1.

² [Awarding remedies and costs | Employment Relations Authority \(era.govt.nz\)](http://www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1)

Orders

[9] Accordingly, I order Carrington Resort to pay to Ms Knight the sum of \$5,000 towards costs, together with the filing fee of \$71.56 within 14 days of this determination.

Andrew Gane
Member of the Employment Relations Authority