

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
ŌTAUTAHI ROHE**

[2024] NZERA 532  
3217219

BETWEEN CUSHLA HURRELL  
Applicant

AND MENOPAWS LIMITED T/A  
NUMBER EIGHT CAFE  
Respondent

Member of Authority: Helen Doyle

Representatives: Paul Mathews, advocate for the Applicant  
Evie Hope, counsel for the Respondent

Submissions Received: 19 August 2024 from the Applicant  
22 July 2024 from the Respondent

Date of Determination: 5 September 2024

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**COSTS DETERMINATION OF THE AUTHORITY**

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**Substantive determination**

[1] In its substantive determination dated 10 July 2024 the Authority did not find Ms Hurrell's grievances made out. The Authority reserved the issue of costs and encouraged the parties to resolve costs between themselves. In the event that costs could not be agreed the Authority set a timetable for an exchange of submissions.<sup>1</sup>

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<sup>1</sup> *Hurrell v Menopaws Limited* [2024] NZERA 411.

[2] Agreement could not be reached. Costs submissions were received on behalf of Menopaws Limited. The Authority was advised by Mr Mathews on behalf of Ms Hurrell that a challenge had been lodged.

### **The respondent's submissions**

[3] Ms Hope submits that the notional daily tariff in the Authority of \$4,500 for the first day of an Authority investigation meeting should be awarded and there are no circumstances or factors requiring adjustment.

### **The applicant's submission**

[4] Mr Mathews indicated that nothing further was to be lodged but advised the Authority that there is a challenge to the determination.

### **Discussion**

[5] When there is a challenge of an Authority determination to the Employment Court the Authority's usual practice is to determine costs so that the Court has the costs determination before it. I see no reason to depart from that usual practice in this matter.

[6] Menopaws Limited was the successful party and is entitled to consideration of a contribution towards its costs.

[7] The investigation meeting started at 9.30 am on 26 April 2024 and concluded according to my Minute book at 2.55 pm. There was a significant break taken before 10.45am and midday for additional documents to be provided.

[8] I am not satisfied in the circumstances of this case that a full day's tariff should be awarded. Some adjustment is called for as the matter did not occupy a full day and there was considerable delay for documents to be provided. These documents assisted both parties and the Authority.

[9] In all the circumstances a fair award is three quarters of a day which is the sum of \$3,375.

**Order**

[10] I order Cushla Hurrell to pay to Menopaws Limited the sum of \$3,375 being costs.

Helen Doyle  
Member of the Employment Relations Authority