

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2025] NZERA 327
3300060

BETWEEN A LABOUR INSPECTOR
Applicant

AND SOLAR ENERGY PACIFIC
LIMITED previously named
ELDERCARE SERVICES 2013
LIMITED
Respondent

Member of Authority: Rachel Larmer

Representatives: Rebecca Denmead and Owen Zheng, counsel for the
Applicant
Ross Lowry, for the Respondent

Investigation: On the papers

Submissions Received: 28 May 2025 from the Applicant
No information from the Respondent

Date of Determination: 12 June 2025

COSTS DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] The Labour Inspector successfully applied for a compliance order, and a penalty, against the respondent for its failure to comply with the Improvement Notice dated 16 November 2023 that the Labour Inspector issued to it.

[2] Mr Ross Lowry is the respondent's sole director and shareholder, so he was the person who has communicated with the Labour Inspector, its counsel and the Authority about this matter.

[3] The Authority issued its substantive determination on 30 April 2025.¹ The Labour Inspector was identified as the successful party, who was entitled to an award of costs. The parties were encouraged to resolve costs by agreement, with a timetable being set for the exchange of costs memoranda if agreement on costs was not reached.

[4] The Labour Inspector has applied for an award of costs of \$2,250.00, being half of the notional daily tariff. The respondent has not provided any response on costs. Nor did it request an extension of time to lodge costs submissions. Costs have been determined 'on the papers' based on the currently available information.

[5] The substantive matter was determined 'on the papers'. The Authority indicated in the substantive determination that the notional starting point for assessing costs would be \$2,250.00. The Labour Inspector did not ask for that notional starting tariff to be adjusted.

[6] Accordingly, within 28 days of the date of this determination the respondent is ordered to pay the applicant \$2,321.55, being a \$2,250.00 contribution towards actual costs plus \$71.55 to reimburse the Labour Inspector's filing fee.

Rachel Larmer
Member of the Employment Relations Authority

¹ *Labour Inspector v Solar Energy Pacific Ltd* [2025] NZERA 234.