

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
ŌTAUTAHI ROHE**

[2025] NZERA 489  
3309520

BETWEEN SHANE TYACK  
Applicant

AND BIG B CARTAGE LIMITED  
Respondent

Member of Authority: David G Beck

Representatives: Paul Mathews, advocate for the Applicant  
Andrew Sims for the Respondent

Investigation Meeting: On the papers

Submissions Received: 28 July 2025 from the Applicant  
13 August 2025 from the Respondent

Date of Determination: 12 August 2025

---

**COSTS DETERMINATION OF THE AUTHORITY**

---

**Employment relationship problem**

[1] By way of a Determination of 21 July 2025, the Authority found that Shane Tyack was unjustifiably dismissed and Big B Cartage Limited was ordered to pay Mr Tyack \$6,000.000 compensation pursuant to section 123 (1)(c)(i) of the Employment Relations Act 2000 (the Act).<sup>1</sup>

[2] Costs were reserved for the parties to negotiate but no agreement was reached. The investigation meeting of 9 June 2025 was conducted by an audio-visual link and took just under half a day.

---

<sup>1</sup> *Shane Tyack v Big B Cartage Limited* [2025] NZERA 436.

## **The application for costs**

[3] In a concise email of 28 July 2025, Mr Tyack's advocate sought costs of \$2,250 and the Authority filing fee as per the Authority's normal daily tariff approach.

[4] Andrew Sims, director of Big B Cartage Limited's submission suggested that costs should amount to \$1,000 on the basis of his estimate that Mr Tyack's advocate only spent six hours working on the matter and that in Mr Sims view, should be assessed at \$150 per hour. Mr Sims also detailed unsuccessful attempts to resolve costs issues.

## **Assessment**

### *The Authority's costs approach*

[5] The Authority's discretion to award costs is well established and arises from Section 15 of Schedule 2 of the Employment Relations Act 2000.

### *Costs for Mr Tyack*

[6] A starting point is that costs normally follow the event and as Mr Tyack was successful in his personal grievance and obtained a compensatory remedy. An award of costs is appropriate.

### *Applying the daily rate*

[7] The Authority's general approach is to apply a notional daily rate and only adjust that rate if persuaded that circumstances or other factors require an upward or downward adjustment.<sup>2</sup> The current full daily rate is \$4,500 for the first day of an investigation meeting.

### *Adjusting the daily rate*

[8] The investigation meeting took just under half a day and despite a prior failing to adhere to disclosure issues in a timely fashion, Mr Sims did participate in the investigation meeting.

[9] In all the circumstances, I consider that half the daily rate should apply.

---

<sup>2</sup> For further information about the factors considered in assessing costs see:  
[www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1](http://www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1)

## **Order**

[10] Big B Cartage Limited is to pay Shane Tyack a contribution to his legal costs in the amount of \$2,250,000. and to reimburse Mr Tyack the Authority filing fee of \$71.55, within 28 days of this determination being issued.

David G Beck  
Member of the Employment Relations Authority