

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2025] NZERA 498
3282579

BETWEEN

ALISTAIR HUTT
Applicant

AND

FIRE AND EMERGENCY NEW
ZEALAND
Respondent

Member of Authority: David G Beck

Representatives: Tim Cleary, counsel for Applicant
Geoff Davenport, counsel for Respondent

Submissions: 26 June 2025 for the Respondent and 22 July for the
Applicant

Determination: 15 August 2025

COSTS DETERMINATION OF THE AUTHORITY

[1] By determination issued on 30 May 2025¹, the Authority made findings and gave orders about Alistair Hutt’s employment relationship problem with Fire and Emergency New Zealand (FENZ). The Authority reserved costs and encouraged the parties to resolve the issue between them.² The employment relationship problem involved a dispute over an entitlement to a retirement gratuity arising from a collective employment agreement provision. Mr Hutt was unsuccessful in both an interpretation dispute and personal grievance claim and the Authority also found FENZ was not unjustly enriched by Mr Hutt’s services.

[2] In reserving costs, the Authority noted in the determination that this matter originated as a dispute and predominantly concerned the interpretation of a collective employment agreement and was generally not subject to the Authority’s ‘daily tariff’ approach with an

¹ *Hutt v Fire and Emergency New Zealand* [2025] NZERA 301. This matter is now under challenge.

² Above n 1 at [77]

expectation that the parties bear their own costs.³ However, the Authority observed the investigation meeting traversed wider legal issue and more comprehensive submissions that may have relevance to costs beyond a bare dispute. The parties were unable to resolve costs and so consideration of their submissions is dealt with below.

Each party claims costs against the other

FENZ's claim for costs

[3] The investigation meeting took five hours. FENZ contended that the investigation was unnecessarily expanded at a late juncture and seeks a contribution to costs of \$4,000 and a disbursement of \$2,012.97 (the cost of a witness's airfare who they say was inappropriately embroiled in the investigation). FENZ made the point that this matter was amenable to being resolved by submissions only and Mr Hutt expanding his claim led to FENZ incurring additional preparation costs.

Mr Hutt's response.

[4] Mr Hutt, while acknowledging the course of the problem had been dealt with in an unorthodox fashion, submitted that in all the circumstances costs should lie where they fall. Mr Hutt pointed to efforts made to initially contain costs by the preparation of an agreed statement of facts and suggested the raising of a personal grievance entailed the Authority insisting on an 'in person' investigation approach. Generally, on an equitable basis Mr Hutt suggested his 44 years career with FENZ be considered.

Outcome

[5] The Authority's approach to costs is well known and need not be traversed in detail. The starting point for a daily tariff approach is \$4,500 for the first day. In this investigation that took just over half a day I suggest a fair starting point is \$3,000.

[6] In all the prevailing circumstances, considering this was predominantly a dispute over the interpretation of a collective employment agreement, I would normally find costs should lie where they fall. However, I have considered that the expansion of the problem to encompass a personal grievance claim that necessitated an 'in person' investigation should be considered and FENZ was wholly successful in resisting that claim and a portion of costs is

³ Above n1 at [75] and [Practice Direction of the Employment Relations Authority](#).

normally awarded to the successful party in grievance proceedings. In the event, I order Mr Hutt contributes to FENZ's costs in the sum of \$1,500.

[7] I decline to award any disbursements as I am not convinced the cited airfare reimbursement was an extraordinarily incurred expense.

Order

[8] Alistair Hutt is ordered to pay \$1,500.00 to Fire and Emergency New Zealand as a contribution to their legal costs.

David G Beck
Member of the Employment Relations Authority