

[3] In his submission, counsel for Mr Chase-Pona advises that repeated attempts were made to resolve costs directly with the respondents, but there has been no engagement.

[4] The application for costs was made on 13 August 2025 and time was given to allow the respondents to reply. No reply submissions have been received.

Costs principles

[5] Clause 15 of Schedule 2 of the Employment Relations Act 2000 (the Act) gives the Authority a discretion to direct any party to a matter to pay to another party such costs and expenses as the Authority thinks reasonable.

[6] The unsuccessful party will usually have to contribute to the costs of the successful party, as well as meeting their own costs. A daily tariff applied by the Authority sets a starting point from which relevant factors and principles may guide an upward or downward adjustment of the amount of costs awarded. The current tariff in place for costs is \$4,500.00 for the first day of any matter and \$3,500.00 for any proceeding days.

The applicant's submissions

[7] The applicant claims costs as follows:

- (a) \$4,500.00 for a notional one-day hearing;
- (b) Disbursement of service fees of \$345.00;
- (c) Filing fee of \$71.55.

[8] Although Mr Nihulu did attend the investigation meeting, he arrived late and specifically did not defend the claims. Accordingly in essence, Mr Chase-Pona's personal grievances were simply put to formal proof.

Conclusion

[9] There is no reason to depart from the daily tariff. The hearing took less than half a day. Allowing for a half day would mean that the daily tariff equates to \$2,250.00 and that is the appropriate amount to order against the respondents.

[10] Service fees of \$345.00 appear reasonable in the circumstances and Mr Chase-Pona is entitled to a refund of the filing fee of \$71.55.

Orders

[11] I order Coin Total Wellington Limited and Vaine Nihulu jointly and severally to pay Thomas Chase-Pona, within 28 days, the sum of \$2,250.00 as a contribution towards the costs he incurred in pursuing his claims, together with the claimed disbursements of service fees of \$345.00 and the filing fee of \$71.55.

Geoff O'Sullivan
Member of the Employment Relations Authority