

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2026] NZERA 133
3351900

BETWEEN

MICHAEL KNOWLER
Applicant

AND

CABLEPRICE (NZ) LIMITED
Respondent

Member of Authority: Peter van Keulen

Representatives: Erika Whittome for the Applicant
Trevor Woodburn for the Respondent

Investigation Meeting: On the papers

Submissions Received: 2 February 2026 from the Respondent
16, 23 and 24 February 2026 from the Applicant

Date of Determination: 5 March 2026

COSTS DETERMINATION OF THE AUTHORITY

The substantive determination

[1] In a determination dated 9 January 2026 I found that Michael Knowler's employment relationship problem with CablePrice (NZ) Limited was frivolous, and I dismissed it.¹

[2] In my determination I reserved costs so that the parties could try to agree costs. The parties were unable to agree and now CablePrice seeks an order for costs.

Application for costs

[3] CablePrice seeks an award of costs of \$10,000 based on the application of the

¹ *Michael Knowler v CablePrice (NZ) Limited* [2026] NZERA 15.

Authority's daily tariff for two days with an uplift.²

[4] This matter was determined on the papers, so the daily tariff is not directly applicable. In this regard, CablePrice submits that two days of the daily tariff for costs is the equivalent to the amount of time spent dealing with this matter on the papers. It then submits that an uplift should be made in addition to that as the employment relationship problem advanced by Mr Knowler lacked any reasonable prospect of success.

[5] Mr Knowler, through his union, says that as the employment relationship problem was based on a no-fault termination and involved a unique argument arising out of unprecedented circumstances, and because of his impecuniosity, there should be no order for costs.

Analysis

Costs in the Authority

[6] The power of the Authority to award costs is set out at clause 15 of Schedule 2 of the Employment Relations Act 2000. The principles and approach adopted by the Authority in respect of this power are outlined in the Authority's practice note on costs.³

Costs for CablePrice

[7] The starting point is that costs should follow the event. As the employment relationship problem was resolved in favour of CablePrice it is entitled to an award of costs.

Applying the daily tariff

[8] I accept that it is appropriate to apply the daily tariff to quantifying the order for costs in this matter. I do that by assessing what the on the papers work corresponds to in terms of an investigation meeting i.e. is it the equivalent amount of work for a one-day investigation meeting or some other proportion. In this case given the unique and complex legal arguments and the additional work required due to various amendments made by Mr Knowler to his

² The normal practice of the Authority when setting costs, is to apply a set amount for each day of the investigation meeting calculating quantum based on the time spent in the investigation meeting; this is applying the daily tariff.

³ For further information about the factors considered in assessing costs, see:

www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1.

Statement of Problem, I believe the work involved is the equivalent of a one-day investigation meeting. That is \$4,500.

Increasing the daily tariff

[9] CablePrice submit that I should increase the daily tariff amount because the employment relationship problem lacked any reasonable prospect of success.

[10] In this case I found that the employment relationship problem was incapable of succeeding and allowing it to proceed in the circumstances would be a waste of resource and it would trifle with the Authority's processes. Essentially, I found that the employment relationship problem lacked any reasonable prospect of success, and this meant it was frivolous. This is the reason CablePrice was successful and is the basis on which it is awarded costs; to then increase those costs for the same reason does not follow.

[11] I will not increase the daily tariff amount.

Reducing the daily tariff for financial hardship

[12] Mr Knowler provided an affidavit setting out his financial circumstances and I accept those circumstances – which I need not set out – are significant.

[13] I also accept that impecuniosity is a basis on which I should consider reducing the daily tariff.

[14] In *Tomo v Checkmate Precision Cutting Tools Ltd*⁴ Judge Inglis reviewed various cases dealing with reducing any costs award to account for the financial position of the unsuccessful party and the hardship that might otherwise occur to them.

[15] Applying *Tomo* to the exercise of my discretion in terms of setting costs, I am required to consider whether the financial position and subsequent hardship of the unsuccessful party is such that a reduction might be appropriate and then I must balance that against the successful party's interests and rights, and the broader public policy considerations.

⁴ *Tomo v Checkmate Precision Cutting Tools Ltd* [2015] NZEmpC 2.

[16] In this case I am satisfied that Mr Knowler's financial position is such that a reduction to the amount of costs awarded against him is appropriate notwithstanding CablePrice's rights and the broader public policy considerations.

[17] I will reduce the daily tariff amount by \$1,500.

Conclusion

[18] CablePrice is entitled to receive an award of costs. The daily tariff should be applied for a one-day investigation meeting, being \$4,500, with no increase. That amount is then reduced by \$1,500 due to Mr Knowler's impecuniosity.

Order

[19] Mr Knowler is to pay CablePrice \$3,000 as a contribution to its costs in this matter.

Peter van Keulen
Member of the Employment Relations Authority