

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

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

[2026] NZERA 202
3363643

BETWEEN MELISSA WILLIAMS
 Applicant

AND S & M HAULAGE LIMITED
 (t/a JOHNSON LOG
 HAULAGE)
 Respondent

Member of Authority: Helen van Druten

Representatives: Dave Cain, advocate for the Applicant
 Marc van den Heuvel, counsel for the Respondent

Submissions received: 13 March 2026 from the Applicant
 No response from the Respondent

Determination: 2 April 2026

COSTS DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] In the Authority’s determination of 13 February 2026, the Authority found that S&M Haulage Ltd (SMH) unjustifiably dismissed Ms Williams from her employment on 11 September 2024 and also owed Ms Williams \$384.75 for work undertaken prior to, and on, her planned start date of 9 September 2024.¹

[2] Costs were reserved for the parties to negotiate but no agreement was reached. Ms Williams, through her representative, has now filed an application for costs.

The application for costs

[3] The investigation meeting in this matter was held across two part-days. The first part-day was in person on 11 November 2025 with the second part-day by audio-visual link on 14 November 2025. As submitted, the split across two days arose due to SMH

¹ *Williams v S&M Haulage Ltd* [2026] NZERA 74.

witnesses not attending the first scheduled investigation meeting. I am satisfied that they were notified of the investigation meeting by notice to counsel on 22 August 2025. Counsel for SMH attended the meeting, and after speaking with his client, the first part of the investigation meeting commenced with Mr van den Heuvel representing SMH. Ms Williams attended on both dates with her representative, and Ms Johnson, one of the directors of SMH, appeared with counsel on 14 November 2025.

[4] I record that all parties engaged with the Authority's process in a constructive way.

[5] Ms Williams seeks a costs award of \$4,500 being the notional tariff for a one-day investigation meeting plus reimbursement of the Authority's filing fee.

Assessment

The Authority's costs approach

[6] The Authority's discretion to award costs is well established and arises from Section 15 of Schedule 2 of the Employment Relations Act 2000. As Mr Cain submitted, the well-established cost principles in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz*² also set out basic tenets when considering costs which guide the Authority. These include that costs will generally follow the event, that awards will be modest, and that costs are not to be used as a punishment or as an expression of disapproval of the unsuccessful party's conduct.

Costs for Ms Williams

[7] As Ms Williams was successful with the majority of her claim, an award of costs is appropriate.

Applying the daily rate

[8] The Authority's general approach is to apply a notional daily rate as the starting point for considering costs and only adjust that rate if persuaded that circumstances or other factors require an upward or downward adjustment.³ The current full daily rate is \$4,500 for the first day of an investigation meeting.

² *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] ERNZ 808 at [44].

³For further information about the factors considered in assessing costs see: www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1.

Adjusting the daily rate

[9] I see no reason to adjust the notional tariff. No information was submitted by SMH to justify any consideration of a reduction in that amount.

[10] Mr Cain submitted evidence of the invoiced costs to Ms Williams.

Order

[11] Within 28 days of this determination, S & M Haulage Ltd is ordered to pay Ms Williams:

- a. \$4,500 as a contribution to costs; and
- b. Reimbursement of the Authority filing fee of \$71.55.

Helen van Druten
Member of the Employment Relations Authority