

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI
TE WHANGANUI-A-TARA ROHE**

[2026] NZERA 223
3300660

BETWEEN

CALEB KIRIONA
Applicant

AND

TE PŪKENGA – NZ
INSTITUTE OF SKILLS AND
TECHNOLOGY
Respondent

Member of Authority: Geoff O’Sullivan

Representatives: Michael Quigg and Amelia Burley, counsel for the
Applicant
Sherridan Cook and Alex Morimoto, counsel for the
Respondent

Submissions received: Up to and including 2 March 2026

Determination: 14 April 2026

COSTS DETERMINATION OF THE AUTHORITY

[1] On 19 December 2025 the Authority issued a determination in this matter dismissing Mr Kiriona’s claims that the termination of his employment without payment for the balance remaining on a Fixed-Term Individual Employment Agreement, constituted an unjustified dismissal and a breach of his agreement.

[2] In the substantive determination, the parties were encouraged to resolve any issue of costs between them and the Authority made reference to its usual practice of applying the daily tariff to determine costs.

[3] The parties have not been able to resolve costs between themselves and have filed memoranda accordingly.

The Respondent's submissions

[4] The Respondent (NZIST) seeks costs of \$6,000 against Mr Kiriona. Whilst it accepts that \$4,500 is the daily tariff rate for a full-day hearing in the Authority, it seeks an uplift of \$1,500 to account for the additional costs incurred by it when it was required to respond to Mr Kiriona's Application for Non-Publication separately and after the substantive hearing.

[5] NZIST submits that the uplift of \$1,500 reflects the additional time required to respond to Mr Kiriona's late Application for Non-Publication. Counsel also confirms that actual costs far exceeded \$6,000.

The Applicant's submissions

[6] Mr Kiriona accepts that the Authority's usual daily tariff rate for a full-day hearing should be the starting point. He however resists the notion of an uplift. He notes the raising of the non-publication issue at the beginning of the hearing did not extend the hearing time beyond one day. It also avoided any pre-investigation meeting proceedings or exchanges. Mr Kiriona submits that it is wrong to say the Application for Non-Publication was without merit.

[7] Mr Kiriona submits that in his Statement of Problem he sought payment from the Respondent of underpaid salary and holiday pay which remained unpaid for a period of some 16 months. He says this should provide grounds for a reduction in the application of the daily tariff to costs.

Conclusion

[8] Mr Kiriona's Application for Non-Publication Orders did not increase, in any significant way, the length of the investigation meeting. The Application was made in good faith and obviously was important to Mr Kiriona notwithstanding the Authority's rejection of the Application. I do not see the Application as grounds for an uplift in the circumstances of this case. I also do not see any late payment to Mr Kiriona as providing ground for reduction in the daily tariff. It had no impact on the length of the investigation meeting and was a matter resolved between the parties.

Orders

[9] Caleb Kiriona is ordered to pay Te Pūkenga – NZ Institute of Skills and Technology the sum of \$4,500 as a contribution towards its costs. Payment is to be made within 28 days of the date of this determination.

Geoff O'Sullivan

Member of the Employment Relations Authority