

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

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

[2026] NZERA 249  
3310700

BETWEEN	MARK BEVERIDGE Applicant
AND	PVB INVESTMENTS LIMITED First Respondent
AND	PERCY VERNON BURLACE Second Respondent

Member of Authority: Alyn Higgins

Representatives: Dave Cain, advocate for the Applicant  
Peter McKenzie-Bridle, counsel for the Respondent

Submissions received: 26 February 2026 from the Applicant  
3 March 2026 from the Respondent

Determination: 24 April 2026

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In a determination dated 29 January 2026<sup>1</sup>, the Authority issued a determination finding the applicant, Mr Mark Beveridge, had been unjustifiably dismissed from his employment as a result of the actions of his employer, the first respondent PVB Investments Limited (PVB). Mr Beveridge also claimed that he was unjustifiably disadvantaged by not being paid his accrued holiday pay and not keeping and supplying a written employment agreement and wage and time and holiday records but this claim of unjustified disadvantage was not found.

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<sup>1</sup> *Beveridge v PVB Investments Limited and Anor* [2026] NZERA 51

[2] In that determination, the parties were encouraged to resolve 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 submissions as to costs for the Authority to determine.

### **The Parties' Submissions**

[4] In submissions Mr Beveridge's representative cites the well-established approach adopted by the Authority in respect of costs awards as set out by the Employment Court in *PBO Limited (formerly Rush Security Limited) v Da Cruz*<sup>2</sup> as confirmed in *Fagotti v Acme and Co Limited*.<sup>3</sup>

[5] Mr Beveridge seeks an uplift in a costs award to \$5,000 including the \$71.55 Authority filing fee. In support of this uplift Mr Beveridge says that the respondent's conduct has been most unreasonable including repeated non-attendance at directed and scheduled mediations.

[6] The respondents did not file any costs submissions.

### **Legal principles**

[7] The power of the Authority to award costs is set out in clause 15 of Schedule 2 of the Employment Relations Act 2000 (the Act). The principles and approach adopted by the Authority in exercising this power are set out in the Authority's Practice Direction and the legal principles which underpin it.<sup>4</sup> These principles are:

- (a) An award of costs is discretionary.
- (b) Costs will generally follow the event.
- (c) The starting point for assessing costs is the notional daily tariff.
- (d) The Authority then considers whether there are any relevant factors which might lead to increasing or decreasing the daily tariff. Factors include:<sup>5</sup>

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<sup>2</sup> *PBO Limited v Da Cruz* [2005] 1 ERNZ 808

<sup>3</sup> *Fagotti v Acme & Co Ltd* [2015] NZEmpC 135 at [114]

<sup>4</sup> Above n3

<sup>5</sup> *JCE v The Chief Executive of the Department of Corrections* [2018] NZERA 175 at [4]

- (i) costs awards in the Authority will be modest;
- (ii) it is open to the Authority to consider whether all or any of the parties' costs were unnecessary or unreasonable;
- (iii) costs are not to be used as a punishment or an expression of disapproval of a party's conduct although conduct which increases costs unnecessarily can be considered in increasing the daily tariff;  
and
- (iv) the complexity of a matter may justify an increase in the daily tariff.

## **Application**

### *Notional daily tariff*

[8] The investigation meeting took place in Palmerston North and took a full day. The starting point for assessing costs based on the daily tariff is therefore \$4,500.

### *Adjusting the tariff*

[9] Mr Beveridge seeks an uplift on the daily tariff rate because the respondents did not attend directed mediation.

[10] Costs associated with mediation, whether by agreement of the parties or at the direction of the Authority, are not typically included in costs awards.<sup>6</sup> There is no reason to depart from this principle in this case.

[11] There is also no reason to adjust the daily tariff rate. The Authority has its approach to costs, which is focused on access to justice and modest costs awards.<sup>7</sup> The daily tariff has been put in place to give parties some certainty of what the costs consequences of pursuing a claim, or losing a claim, are likely to be.<sup>8</sup>

## **Outcome**

[12] Within 28 days of the date of this determination, PVB Investments Limited is ordered to pay Mark Beveridge the sum of \$4,500 as a contribution towards costs

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<sup>6</sup> Practice Direction of the Employment Relations Authority 2024, cl 11

<sup>7</sup> See for example *Key Industries v Perrin* [2023] NZERA 172 at [114].

<sup>8</sup> Above n 7 at [114].

incurred. Mr Beveridge is also entitled to be reimbursed the Authority's filing fee (\$71.55).

[13] Orders are made accordingly.

Alyn Higgins  
Member of the Employment Relations Authority