

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

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

[2026] NZERA 398
3351981

BETWEEN

SHELANI DEVI
Applicant

AND

ALLIED INVESTMENTS
LIMITED
Respondent

Member of Authority: Sarah Kennedy-Martin

Representatives: Hayley Johnson, advocate for the Applicant
Eve Martin, for the Respondent

Submissions received: 15 May 2026 from the Applicant
29 April and 15 May 2026 from the Respondent

Determination: 22 June 2026

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 7 April 2026, the Authority found that Allied Investments Limited (AIL) had justified its actions, and Ms Devi was unsuccessful with her personal grievance claim that she was unjustifiably dismissed.¹

[2] The Authority reserved the issue of costs and encouraged the parties to resolve costs between them. They have not been able to do so and the Authority received submissions from both parties seeking a determination on costs.

[3] Costs are a matter of discretion.² The discretion is to be exercised in accordance with principle and not arbitrarily. The main principle in the exercise of the discretion is that costs follow the event. If a party is successful, they will be entitled to an award

¹ *Devi v Allied Investments Limited (t/a Allied Security)* [2026] NZERA 208.

² Employment Relations Act 2000, Sch 2, cl 15.

of costs. AIL was successful in justifying its actions and the claims set out in the statement of problem were not made out.

[5] AIL is not seeking a contribution towards costs incurred on the basis it was represented by its Employment Relations Manager at the investigation meeting and as such there were no external representation costs. AIL instead seeks reimbursement of disbursements in the amount of \$810.84 in relation to flights between Hamilton to Wellington and one nights' accommodation.

[8] Submissions on behalf of Ms Devi were that costs should lie where they fall. Her claim was brought in good faith and was not frivolous. It was also submitted AIL has not provided sufficient information to show the disbursements were reasonable and necessary. Travel and accommodation are not normally recoverable where a party chooses to engage a representative from another centre without good reason.

[9] The starting point for costs based on the Authority's daily tariff is \$4,500.00 for the first day. From that starting point the Authority can consider whether there are factors justifying an increase or decrease in costs. The investigation meeting took one day.

[10] Had AIL applied for costs they may have been awarded³ but because they are not applying for costs it is reasonable in the particular circumstances of this matter to order that disbursements are paid. Travel and accommodation were necessary in the context of this matter and avoided the cost of external counsel. Invoices have been provided and are considered reasonable.

Orders

[11] Within 28 days of this determination Shelani Devi is to pay Allied Investments Limited (trading as Allied Security) disbursements in the sum of \$810.84.

Sarah Kennedy-Martin
Member of the Employment Relations Authority

³ *Henderson Borough Council v Auckland Regional Authority* [1984] 1 NZLR 16 (CA).