

2000 (the Act) and \$1,600 (gross) for unpaid standby occasions.¹ The determination, pursuant to Clause 10 of Schedule 2 of the Act ordered interim non publication prohibiting revelation of the identity of the parties, that order is ongoing on an interim basis and the parties are identified by random letters.

[2] Costs were reserved. The investigation meeting took up two days.

The application for costs

[3] In a memorandum of 26 November 2025, AXE's advocate sought uplifted costs of \$9,000 and a disbursement, being the Authority filing fee. In seeking an uplift in costs on the Authority's normal daily tariff approach, Mr Kersjes suggested AXE had incurred additional submission costs related to their application for a non-publication order.

[4] Counsel for QVM accepted that AXE had succeeded in their personal grievances and that they were entitled to a costs' contribution of the normal daily tariff. Counsel noted that the non-publication application was not made in a timely manner and while additional time for submissions was conceded they noted the second day of the investigation meeting concluded at 3pm to allow for the convenience of the advocate's travel.

Assessment

The Authority's costs approach

[5] The Authority's discretion to award costs is well established and arises from Section 15 of Schedule 2 of the Employment Relations Act 2000.

Costs for AXE

[6] A starting point is that costs normally follow the event and as AXE was successful in their personal grievance and obtained significant compensatory remedies, an award of costs is appropriate.

¹ AXE v QVM [2025] NZERA 689.

Applying the daily rate

[7] The Authority's general approach is to apply a notional daily rate and only adjust that rate if persuaded that circumstances or other factors require an upward or downward adjustment.² The current full daily rate is \$4,500 for the first day of an investigation meeting and \$3,500 for full days thereafter.

Adjusting the daily rate

[8] In all the circumstances, I do not consider an uplift in the daily rate is warranted as applying the full daily rate for two days accommodates the claim for additional time spent on the application for non-publication.

Order

[9] QVM is to pay AXE a contribution to their legal costs in the amount of \$8,000 and to reimburse AXE the Authority filing fee of \$71.55, within 28 days of this determination being issued.

David G Beck
Member of the Employment Relations Authority

² For further information about the factors considered in assessing costs see:
www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1