

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
ŌTAUTAHI ROHE**

[2022] NZERA 560  
3147183

BETWEEN                      DAVID GRAY  
Applicant

AND                              MATTHEW LAI  
Respondent

Member of Authority:        Philip Cheyne

Representatives:             Paul Mathews, advocate for the Applicant  
Alwyn O'Connor, counsel for the Respondents

Submissions:                 18 October 2022 for the applicant  
28 October 2022 for the respondent

Date of Determination:      31 October 2022

---

**COSTS DETERMINATION OF THE AUTHORITY**

---

**A. Matthew Lai is to pay David Gray costs of \$2,321.56.**

**Employment relationship problem**

[1]     On 13 October 2022, I found Mr Gray had a personal grievance and ordered Mr Lai to pay him compensation and reimbursement. I also found that Mr Lai had breached s 65 of the Employment Relations Act 2000, but declined to order a penalty. Costs were reserved. I now have submissions from each party. This determination resolves the issue of costs.

### **The claim**

[2] The claim is based on the application of the daily tariff (half day - \$2,250.00) plus \$71.56 to cover the lodgement fee.

[3] The submission is that costs should follow the event.

### **The response**

[4] Counsel submits that costs should lie where they fall.

[5] No explanation for that position is advanced.

### **Findings**

[6] Mr Gray was in substance the successful party. On ordinary principle, he is entitled to an award of costs. There is no reason to depart from that principle here.

[7] The Authority's standard approach is to fix costs by reference to a standard daily tariff. There is no reason to depart from that approach here.

[8] I am mindful that there was an application to add Mr Lai as a respondent, caused by an error in the drafting of the original statement of problem. However, the original respondent's claim for costs was dealt with earlier.<sup>1</sup> The later investigation meeting was not prolonged by the error.

[9] I accept that costs are properly fixed on the basis of a half day at the daily tariff for the first day, plus an additional \$71.56 for the lodgement fee. There will be an order for \$2,321.56.

Philip Cheyne  
Member of the Employment Relations Authority

---

<sup>1</sup> *Gray v Lai and National Movers Limited* [2022] NZERA 200.