

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKAURAU ROHE**

[2026] NZERA 87  
3311680

BETWEEN                      LENDCO LIMITED  
Applicant

AND                              A LABOUR INSPECTOR  
Respondent

Member of Authority:        Jeremy Lynch

Representatives:             Justine Foden, advocate for the Applicant  
Tim Gray and Sophie Hendren, counsel for the  
Respondent

Investigation Meeting:      On the papers

Submissions Received:      3 February 2026 from the Applicant  
15 January 2026 from the Respondent

Date of Determination:      19 February 2026

---

**COSTS DETERMINATION OF THE AUTHORITY**

---

[1]     On 28 November 2025, the Authority issued a determination which declined an application from Lendco Limited (Lendco) to rescind or vary an improvement notice issued by a Labour Inspector of the Ministry of Business, Innovation and Employment (Labour Inspector).<sup>1</sup>

[2]     The parties were encouraged to resolve any issues of costs between themselves, but have been unable to do so. Having successfully defended Lendco's claims, the Labour Inspector now seeks an award of costs.

---

<sup>1</sup> *Lendco Limited v A Labour Inspector* [2025] NZERA 773.

## Costs principles

[3] The Authority has power to award costs under clause 15 of Schedule 2 of the Employment Relations Act 2000. This power is discretionary and must be used in a principled manner.<sup>2</sup> Principles guiding the Authority's approach to costs include:

- the statutory jurisdiction to award costs is consistent with the Authority's equity and good conscience jurisdiction;
- equity and good conscience are to be considered on a case-by-case basis;
- costs are not to be used as a punishment or as an expression of disapproval for an unsuccessful party's conduct, although conduct which increases costs unnecessarily can be taken into account in inflating or reducing an award;
- costs generally follow the event;
- awards of costs will generally be modest; and
- frequently, costs are judged against a notional daily tariff.<sup>3</sup>

## Costs outcome

### *Starting point*

[4] As the successful party in the substantive matter, the Labour Inspector is entitled to a consideration of costs.

[5] The starting point for a consideration of costs is therefore \$4,500.00, being the Authority's notional daily tariff, before any upward or downward adjustment.

### *Attempts to resolve*

[6] Neither party made submissions about any attempts to resolve the matter of costs.

---

<sup>2</sup> *PBO Limited (formerly Rush Security Limited) v Da Cruz* [2005] 1 ERNZ 808, and *Faggotti v Acme & Co Limited* [2015] NZEmpC 135.

<sup>3</sup> Employment Relations Authority "Practice Directions of the Employment Relations Authority Te Ratonga Ahumana Taimahi" [www.era.govt.nz/assets/upload/practice-direction-of-era](http://www.era.govt.nz/assets/upload/practice-direction-of-era).  
<https://www.era.govt.nz/assets/Uploads/practice-direction-of-the-employment-relations-authority.pdf>

### *Conduct*

[7] There is no evidence that the conduct of either party unreasonably increased the costs of the other party.

### *Adjustment to the tariff*

[8] The daily tariff can be adjusted for relevant factors, however no adjustment is sought by the Labour Inspector.

### *The positions of the parties*

[9] The Labour Inspector seeks a contribution towards costs incurred in the sum of \$4500.00. The Labour Inspector does not seek an uplift in costs, or any contribution towards disbursements.

[10] Lendco does not oppose the Labour Inspector's application for costs.

[11] In the circumstances, the contribution towards costs sought by the Labour Inspector is reasonable.

[12] No adjustment to the daily tariff is made.

### **Orders**

[13] Within 28 days of the date of this determination, Lendco Limited is ordered to pay to the Labour Inspector the sum of \$4,500.00 as a contribution towards costs incurred.

Jeremy Lynch  
Member of the Employment Relations Authority