

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

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

[2024] NZERA 194
3234479

BETWEEN BETHANY PALMER
 Applicant

AND ANTONIO CANDERLE
 Respondent

Member of Authority: Rowan Anderson

Representatives: Neil Ulrich, advocate for the Applicant
 No engagement from the Respondent

Investigation Meeting: On the papers

Submissions received: 19 March 2024 from Applicant
 No submissions from Respondent

Determination: 4 April 2024

COSTS DETERMINATION OF THE AUTHORITY

[1] On 8 March 2024 the Authority issued a determination¹ in which I found that Bethany Palmer was employed by Antonio Canderle, was unjustifiably disadvantaged in her employment, and that she was entitled to an arrears of wages and annual holiday entitlements.

[2] Costs were reserved. The parties have not been able to agree on costs, and Ms Palmer now asks the Authority for orders as to the costs she incurred in pursuing her claims against Mr Canderle.

[3] Ms Palmer seeks a total contribution towards her costs of \$3,150 plus GST and reimbursement of the filing fee of \$71.55. Ms Palmer provided a breakdown of costs with the total costs incurred amounting to \$3,150 plus GST.

¹ *Bethany Palmer v Antonio Canderle* [2024] NZERA 137.

[4] No submissions were received from Mr Canderle as to the issue of costs.

Costs principles

[5] The Authority has discretion to award costs, may order any party to pay costs and expenses as it thinks reasonable, and may apportion such costs and expenses between the parties as it thinks fit.²

[6] The daily tariff is usually taken as a starting point,³ although not used in a rigid manner, with principled adjustments made having regard to the particular characteristics of a case.

Consideration

[7] Ms Palmer was successful in pursuing her claims and it is appropriate that costs follow the event. However, she is not entitled to her full costs as claimed.

[8] The substantive proceeding involved the setting down of a one-day investigation meeting on 7 March 2024. The full day was not required, and I consider the appropriate starting point for daily tariff approach would see a contribution of \$2,250 (half of the \$4,500 tariff for the first day of any investigation meeting). That sum is neutral as to GST.

Order

[9] I order Antonio Canderle to pay Bethany Palmer, within 28 days, the sum of \$2,250.00 as a contribution towards the costs she incurred in pursuing her claims and \$71.55 as reimbursement of the filing fee.

Rowan Anderson
Member of the Employment Relations Authority

² Employment Relations Act 2000, Schedule 2, clause 15.

³ Employment Relations Authority Practice Direction, August 2023,
<https://www.era.govt.nz/assets/Uploads/practice-direction-of-era.pdf>