

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

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

[2025] NZERA 528
3232159

BETWEEN WVS
 Applicant

AND JOANNE ADLAM
 Respondent

Member of Authority: Rowan Anderson

Representatives: Briar Webster, counsel for the Applicant
 Respondent in person

Investigation Meeting: On the papers

Submissions and further Up to and including 22 August 2025
information received:

Determination: 27 August 2025

COSTS DETERMINATION OF THE AUTHORITY

[1] On 28 February 2025 the Authority issued a determination¹ in which I found that Joanne Adlam breached her employment agreement with WVS and ordered that she pay damages of \$869,112, plus interest, to WVS.

[2] Costs were reserved. The parties have not been able to agree on costs, and WVS now asks the Authority for orders as to the costs it incurred in pursuing the application against Ms Adlam.

[3] WVS seeks a total contribution towards their costs of \$29,764.94, comprising of \$19,300 in costs and \$10,464.94 in disbursements.

¹ *WVS v Joanne Adlam* [2025] NZERA 122.

[4] Ms Adlam did not meaningfully engage with the Authority's substantive investigation. Ms Adlam communicated with the Authority by email about the costs application, including as to an issue with documents accompanying WVS's submissions. That issue was resolved and on 7 August 2025 Ms Adlam confirmed she had received the relevant documents and that she would make any submission within 14 days.

[5] Ms Adlam had previously been advised, including on 7 August 2025, that the Authority would proceed to issue a determination in relation to costs should submissions not be received within the 14 day period provided. That period elapsed without Ms Adlam lodging any submissions and without further communication from her.

Costs principles

[6] 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

[7] The principles as to the exercise of that discretion are well known, including that costs will generally follow the event, that awards will be modest, that Calderbank offers may be taken into account, and that costs are not to be used as a punishment or as an expression of disapproval of the unsuccessful party's conduct.³

[8] The daily tariff is usually taken as a starting point,⁴ although not used in a rigid manner, with principled adjustments made having regard to the particular characteristics of a case.

Consideration

Costs

[9] WVS was successful in pursuing the application and it is appropriate that costs follow the event.

[10] The substantive matter required an investigation meeting to be held, in addition to the provision of various submissions and several case management conferences. The

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

³ *PBO Limited (formerly Rush Security Limited) v Da Cruz* [2005] ERNZ 808 at [44] to [46].

⁴ Employment Relations Authority Practice Direction, August 2023, <https://www.era.govt.nz/assets/Uploads/practice-direction-of-era.pdf>

investigation meeting itself was completed within one day, as opposed to the two days initially scheduled. The second day was vacated prior to commencement of the investigation meeting.

[11] WVS submits it has incurred total costs of \$75,847.25 and seeks an uplift from the daily tariff on the basis that, in summary terms, it should not have been forced to take the proceedings and that Ms Adlam's actions, or inactions, in the course of the proceedings significantly and unreasonably increased costs.

[12] WVS submitted that, as a minimum, it would be entitled to a contribution of \$4,500 on the basis of the Authority's daily tariff. WVS claims an uplift of \$1,800 on the basis that it incurred costs for the preparation of additional submissions relating to the issues of jurisdiction and self-incrimination. It contends those costs were incurred because Ms Adlam was not engaging with the Authority's investigation.

[13] Having regard to the preliminary matters addressed in written submissions, and the relative amount of work involved, I consider that rather than an uplift to the tariff the appropriate approach is to make allowance on the basis for the tariff. I do so on the basis that the written submissions total a half day.

[14] On the above basis, I decline the uplift sought but find that the appropriate starting point is one and one half days, that sum being \$6,250.⁵

[15] WVS provided a breakdown of other uplifts sought. \$10,000 is sought on the basis WVS needed to brief an expert and witnesses based on what were said to be failures by Ms Adlam, including failing to engage in the investigation process.

[16] I decline to order an uplift in relation to those costs. Having regard to the Authority's process, I consider the evidence given, and the necessary preparation in relation to the same, would have been required having regard to the assessment of damages. The sums claimed were significant and the Authority would have in any event required detailed evidence as to the damages claimed. I otherwise consider the costs claimed in relation to briefing witnesses are sufficiently covered by the daily tariff.

⁵ Comprising \$4,500 for the first day, and \$1,750 for half of a second day (the rate for a second or subsequent day being \$3,500).

[17] \$3,000 was sought for attendance at, and preparation for, additional case management conferences. The claimed actual costs for those matters, which I accept, were \$6,256.80. WVS submitted those costs related to the need for five case management conferences, with two further case management conferences being adjourned on late notification from Ms Adlam. I accept increased costs were incurred because of Ms Adlam's actions, including lack of engagement and sporadic and late notice communications. I consider an uplift of \$1,750, equivalent to half a day's tariff, is appropriate.

[18] The total of the daily tariff and uplift is \$8,000.

Disbursements

[19] WVS claims \$9,483.94 as a disbursement for the preparation and attendance at the investigation meeting by Gavin Lammers. Mr Lammers is a financial loss adjuster from Fin Mat Partners. The costs sought relate to preparation and attendance and WVS does not claim the costs associated with the preparation of the substantive reports.

[20] I am satisfied that WVS is entitled to payment relating to the claimed disbursement for the preparation and attendance of Mr Lammers. His evidence was significant in demonstrating the extent of the relevant defalcations and the quantum of the damages sought by WVS. WVS have provided an invoice from Fin Mat Partners, together with evidence of time recording. I am satisfied that the costs were reasonably incurred and find that WVS is entitled to the sum of \$9,483.94.

[21] Travel costs relating to counsel were also claimed totalling \$981.00. WVS claims that sum on the basis that it was necessary for counsel to travel having regard to the complexity of evidence meaning it was not feasible to arrange local counsel. It also referred to discounted rates charged based on arrangements with the insurer. The sum claimed related to time billed for travel as opposed to the cost of travel arrangements. I do not consider the travel time itself claimable and am not persuaded any order should be made for payment of that sum.

Orders

[22] I order Joanne Adlam to pay WVS, within 28 days, the sum of \$17,483.94 as a contribution towards the costs WVS incurred in pursuing the application.

Rowan Anderson
Member of the Employment Relations Authority