

**IN THE EMPLOYMENT COURT OF NEW ZEALAND
CHRISTCHURCH**

**I TE KŌTI TAKE MAHI O AOTEAROA
ŌTAUTAHI**

**[2025] NZEmpC 140
EMPC 54/2024**

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority

AND IN THE MATTER OF an application for costs

BETWEEN OTIRA STAGECOACH HOTEL
LIMITED
Plaintiff

AND JOHN CHARLES WRIGHT
Defendant

Hearing: On the papers

Appearances: L Rowntree, agent for plaintiff
J Kaye, counsel for defendant

Judgment: 9 July 2025

COSTS JUDGMENT OF JUDGE K G SMITH

[1] On 9 June 2025, Otira Stagecoach Hotel Ltd’s challenge to a decision of the Employment Relations Authority was dismissed.¹ Costs were reserved, and provision was made for memoranda to be filed if the parties could not reach agreement about them.

[2] Mr Wright has applied for costs. Applying the Court’s Guideline Scale on a Category 2B basis he sought \$29,875.²

¹ *Otira Stagecoach Hotel Ltd v Wright* [2025] NZEmpC 115.

² Employment Court of New Zealand “Practice Directions” (1 September 2024) <www.employmentcourt.govt.nz> at No 18.

[3] Mr Rowntree, on behalf of Otira Stagecoach, opposed the application.

[4] The Court has power to award costs.³ Exercising that power involves a discretion that is assisted by a Guideline Scale intended to support, as far as possible, the policy objective that determining costs should be predictable, expeditious and consistent.

[5] The proceeding was previously provisionally allocated to Category 2B in the Guideline Scale. Determining costs on that basis is appropriate. However, an adjustment is required to the amount claimed. Mr Kaye's calculation wrongly categorised some steps in the proceeding as conference-related memoranda (step 12) when they are more properly connected with certain interlocutory applications (step 28). An adjustment is needed to remove a risk of double counting the steps taken on Mr Wright's behalf. As adjusted the amount able to be claimed is \$26,529.

[6] Mr Rowntree did not dispute that the claimed steps were taken or that 2B is appropriate. Instead, he concentrated on criticising Mr Wright's evidence as involving the commission of an offence and he sought to apply r 15.10 of the District Court Rules 2014 and r 14.7 of the High Court Rules 2016. He did not explain the relevance of those rules to this costs application but presumably they are intended to support Otira Stagecoach's position that costs should be denied or reduced.

[7] I do not accept Mr Rowntree's submissions. District Court r 15.10 is not relevant because it allows a judgment obtained by default to be set aside if there has been or may have been a miscarriage of justice. The judgment in this case was not obtained by default. High Court r 14.7 allows the High Court to refuse or reduce costs that are otherwise payable in defined circumstances. There is nothing in r 14.7 that would influence or impact on the exercise of the discretion in this case because the circumstances it covers do not arise.

[8] Nothing put forward by Mr Rowntree explains why Mr Wright, as the successful party, is not entitled to costs. The unsupported allegations about his

³ Employment Relations Act 2000, sch 3 cl 19 and Employment Court Regulations 2000, reg 68.

evidence do not provide any reason to exercise the discretion so that costs are declined or reduced.

Outcome

[9] Otira Stagecoach Hotel Ltd must pay costs to John Charles Wright of \$26,529.

K G Smith
Judge

Judgment signed at 11.30 am on 9 July 2025