

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2023] NZERA 520
3167141

BETWEEN ABIGAIL ATKINS
Applicant

AND ALPINE 182 DEGREES
LIMITED
First Respondent

Member of Authority: Sarah Kennedy-Martin

Representatives: Maryline Suchley, Advocate for the Applicant
No appearance for the Respondent

Submissions received: 30 June 2023 from Applicant

Determination: 12 September 2023

COSTS DETERMINATION OF THE AUTHORITY

[1] In its substantive determination of 23 June 2023, the Authority found the applicant had been disadvantaged and her dismissal was unjustified.¹ The Authority awarded remedies, made orders for wage and leave arrears to be paid, reserved the issue of costs and set a timetable for exchange of submissions.

[2] The Authority received submissions from Ms Atkins seeking an award of costs in an amount equivalent to the daily tariff being \$4500.00, on the basis this almost covers the cost of representation (excluding GST).

[3] The Respondent company, trading as the Springfield Hotel, provided no information to the Authority.

¹ *Abigail Atkins v Alpine 182 Degrees Ltd* [2023] NZERA 334.

[4] Costs are a matter of discretion. The discretion is to be exercised in accordance with principle and not arbitrarily. The main principle in the exercise of the discretion is that costs follow the event. The starting point for costs based on the Authority's daily tariff is \$4,500.00 for the first day. The Authority can from that nominal starting point consider whether there are factors justifying an increase or decrease in costs. This can include whether an effective Calderbank offer was unreasonably refused.²

[5] Ms Atkins was successful and is therefore entitled to an award of costs. The Authority's investigation meeting time amounted to one day and there were no submissions on any factors that might increase or decrease costs. I consider the Authority's daily tariff to be appropriate in this case.

Order

[6] I order that Alpine 182 Degrees Limited pay to Abigail Atkins costs in the amount of \$4,500.00.

Sarah Kennedy-Martin
Member of the Employment Relations Authority