

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
ŌTAUTAHI ROHE**

[2023] NZERA 714  
3245359

BETWEEN                      CRUZ BAR LIMITED  
   Applicant  
  
AND                                TIHEI KEREOPA-REREKURA  
   Respondent

Member of Authority:        Helen Doyle  
  
Representatives:              Bruce Williamson for the Applicant  
   Lawrence Anderson for the Respondent  
  
Submissions Received:        No submissions received from the Applicant  
   7 November 2023 from the Respondent  
  
Date of Determination:        28 November 2023

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] Cruz Bar Limited (Cruz Bar) applied to reopen the substantive investigation of the Authority.<sup>1</sup> The application for reopening was not successful.<sup>2</sup> The Authority reserved the issue of costs in its determination and set a timetable for an exchange of submissions. Submissions were received on behalf of Mr Kereopa-Rerekura on 7 November 2023. Cruz Bar had 14 days from the date of service of the submissions to lodge any reply submissions. No submissions have been received on behalf of Cruz Bar.

[2] The Authority now proceeds to determine the issue of costs.

**The applicant's submissions**

[3] Mr Anderson submits that a contribution towards costs for one-eighth of the daily tariff would be appropriate in the sum of \$562.50. He attached an invoice sent to Mr Kereopa-Rerekura showing a balance due of \$690.

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<sup>1</sup> *Tihei Kereopa-Rerekura v Cruz Bar Limited* [2023] NZERA 376.

<sup>2</sup> *Cruz Bar v Tihei Kereopa-Rerekura* [2023] NZERA 657.

**Discussion**

[4] There were three matters dealt with on the invoice issued to Mr Kereopa-Rerekura. The first is the reading of the application to re-open with attached documents and statements and the subsequent lodging of a statement in reply. The second is a case management conference held on 5 October 2023 to discuss how the application for reopening would proceed and to timetable an exchange of submissions. The third is a response to a stay application.

[5] Mr Kereopa-Rerekura opposed the application for stay but a stay was granted pending the determination of the application for reopening. That needs to be reflected in any award of costs.

[6] Aside from the application with supporting documents and a statement in reply no further submissions were lodged before the reopening application was determined on the papers. Costs should be awarded for perusing the application for a reopening, providing a statement in reply and attending a case management conference to discuss the progress of the reopening application. In all the circumstances an appropriate award of costs is \$450.

**Orders**

[7] I order Cruz Bar Limited to pay Tihei Kereopa-Rerekura the sum of \$450 being costs.

Helen Doyle  
Member of the Employment Relations Authority