

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2025] NZERA 842
3318400

BETWEEN

PHILIP STEWART
Applicant

AND

ROONEY FARMS LIMITED
Respondent

Member of Authority: David G Beck

Representatives: Paul Mathews, advocate for the Applicant
Rachel Webster, counsel for the Respondent

Investigation Meeting: On the papers

Submissions Received: 5 December 2025 from the Applicant
19 December 2025 from the Respondent

Date of Determination: 22 December 2025

COSTS DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] By way of a Determination of 25 November 2025, the Authority found Philip Stewart was unjustifiably dismissed and while in employment, unjustifiably disadvantaged. Rooney Farms Limited was ordered to pay Mr Stewart lost wages in the amount of \$7,000 gross and \$25,000 compensation pursuant to section 123 (1)(c)(i) of the Employment Relations Act 2000 (the Act).¹

[2] Costs were reserved. The investigation meeting of 17 October 2025 took up just under a day (concluding at 4 pm) and submissions were timetabled.

¹ *Philip Stewart v Rooney Farms Limited* [2025] NZERA 761.

The application for costs

[3] In a brief submission, Mr Stewart's advocate sought costs of \$5,625.00 and the Authority's filing fee. In seeking this uplift in costs on the Authority's normal daily tariff approach, Mr Mathews suggested additional time had been spent on submissions.

[4] Counsel for Rooney Farms limited accepted that Mr Stewart had succeeded in his personal grievances and was entitled to a costs' contribution of the normal daily tariff. An uplift was opposed on the basis that the matter was, from their perception, not complex.

Assessment

The Authority's costs approach

[5] The Authority's discretion to award costs is well established and arises from Section 15 of Schedule 2 of the Employment Relations Act 2000.

Costs for Mr Stewart

[6] A starting point is that costs normally follow the event and as Mr Stewart was successful in his personal grievance and obtained significant compensatory remedies. An award of costs is appropriate.

Applying the daily rate

[7] The Authority's general approach is to apply a notional daily rate and only adjust that rate if persuaded that circumstances or other factors require an upward or downward adjustment.² The current full daily rate is \$4,500 for the first day of an investigation meeting.

Adjusting the daily rate

[8] The investigation meeting took just under a day, and I requested written submissions. While I had directed submissions be made on the day of the investigation meeting, I saw some merit in further timetabled written submissions.

² For further information about the factors considered in assessing costs see:
www.era.govt.nz/determinations/awarding-costs-remedies/#awarding-and-paying-costs-1

[9] However, in all the circumstances, I do not consider an uplift in the daily rate is warranted.

Orders

[10] Rooney Farms Limited is to pay Philip Stewart a contribution to his legal costs in the amount of \$4,500.00 and to reimburse Mr Stewart the Authority filing fee of \$71.55, within 28 days of this determination being issued.

David G Beck
Member of the Employment Relations Authority