

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKĀURAU ROHE**

[2025] NZERA 517
3272819

BETWEEN	LI WANG Applicant
AND	ENTERPRISE COLLISION REPAIR LIMITED Respondent

Member of Authority:	Alex Leulu
Representatives:	Aimée Choi, advocate for the Applicant Martin Lyttlelton, advocate for the Respondent
Submissions and further information:	27 June and 21 July 2025 from the Applicant 7 July and 4 August 2025 from the Respondent
Determination:	25 August 2025

COSTS DETERMINATION OF THE AUTHORITY

[1] On 23 May 2025 the Authority determined Li Wang was unjustifiably disadvantaged and constructively dismissed from his employment with Enterprise Collision Repair Limited (Enterprise).¹

[2] As part of its determination, the Authority reserved its decision on costs. A timetable was also set for memoranda to be filed in the event the parties were unable to resolve the issue of costs between them.

[3] On 27 June 2025 Mr Wang lodged a memorandum to the Authority seeking an order for costs against Enterprise. On 4 August 2025 Enterprise opposed Mr Wang's costs claims because it said Mr Wang had not provided sufficient information to show the detail of the costs he incurred when he engaged Aimée Choi to represent him.

¹ *Wang v Enterprise Collision Repair Limited* [2025] NZERA 291.

Costs principles

[4] Clause 15 of Schedule 2 of the Employment Relations Act 2000 (the Act) gives the Authority discretion to order any party to a matter to pay to another party such costs and expenses as the Authority thinks reasonable.

[5] The unsuccessful party will usually have to contribute to the costs of the successful party, as well as meeting their own costs. A daily tariff applied by the Authority sets a starting point from which relevant factors and principles may guide an upward or downward adjustment of the amount of costs awarded.² The current tariff for costs is \$4,500 for the first day of any matter and \$3,500 for any proceeding days.

[6] Relevant principles governing costs in the Authority include consideration of whether the conduct of the parties increased costs unnecessarily, warranting an adjustment up or down, without compromising the Authority's otherwise modest approach to costs.³

[7] Costs should not be used to punish a party or express disapproval of an unsuccessful party's conduct.

Should costs be awarded?

[8] The investigation meeting for this matter proceeded over two complete days. Mr Wang sought a starting point for an order of a contribution of costs of \$8,000. This amount was inline with the Authority's notional daily tariff for a two-day investigation meeting.

[9] Mr Wang also sought an uplift of the starting point because he claimed Enterprise was uncooperative throughout the Authority's investigation process. Mr Wang also said his costs were increased when he was required to seek further documentation from various government agencies to support his claims.

[10] Although Mr Wang did not specify how much of an uplift should be awarded to him, his representative Ms Choi provided an invoice (the invoice) showing an amount she had invoiced Mr Wang for her services in respect of Mr Wang's claims against Enterprise.

² *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808.

³ See www.era.govt.nz/determinations/awarding-costs-remedies.

[11] In response to Mr Wang, Enterprise claimed Mr Wang did not provide sufficient information to support his claim for costs. Enterprise argued the invoice did not provide sufficient information to explain the breakdown of Ms Choi's services to Mr Wang.

Outcome

[12] Mr Wang was the successful party and costs should follow the event. He is entitled to a contribution to his costs. Although the invoice provided little information to breakdown the nature of Ms Choi's services to Mr Wang, I am satisfied the invoice reflects the costs of her representation to Mr Wang in respect of his claims before the Authority.

[13] Taking into account the views of both parties, there are no compelling reasons to award costs outside the notional daily tariff. In applying the tariff for a two-day investigation meeting, the appropriate award of costs was \$8,000.

[14] Considering all the available information, there were no compelling reasons for an adjustment to this amount. Accordingly, Enterprise is ordered to pay \$8,000 in costs to Ms Wang within 21 days of the date of this determination.

Alex Leulu
Member of the Employment Relations Authority