

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

**I TE KŌTI TAKE MAHI O AOTEAROA  
TĀMAKI MAKĀURAU**

**[2024] NZEmpC 12  
EMPC 103/2023  
EMPC 104/2023**

IN THE MATTER OF	an application for special leave to remove matter to the Employment Court
AND IN THE MATTER OF	a challenge to a determination of the Employment Relations Authority
AND IN THE MATTER OF	an application for costs
BETWEEN	DANSKE MOBLER LIMITED Plaintiff
AND	A LABOUR INSPECTOR OF THE MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT Defendant

Hearing:	On the papers
Appearances:	S Langton, counsel for plaintiff ML Brown, counsel for defendant
Judgment:	9 February 2024

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**CONSENT COSTS JUDGMENT OF CHIEF JUDGE CHRISTINA INGLIS**

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[1] Danske Mobler Ltd applied for special leave to remove an objection to an improvement notice from the Employment Relations Authority to the Court for hearing and determination pursuant to s 178 of the Employment Relations Act 2000. Special leave was required because the Authority had previously declined to remove

the matter.<sup>1</sup> The Court granted special leave on 19 December 2023.<sup>2</sup> Costs on the application were reserved.

[2] By joint memorandum dated 8 February 2024 the parties have advised they have reached agreement on the issue of costs and requested orders by consent in the following terms:

- (a) that costs should lie where they fall in relation to the application for special leave;
- (b) that the costs determination of the Employment Relations Authority dated 3 March 2023 be quashed;<sup>3</sup> and
- (c) that the costs and disbursements in the Authority proceeding lie where they fall.

[3] Having reviewed the orders sought, I am satisfied that it is appropriate to make them, and accordingly do so.

Christina Inglis  
Chief Judge

Judgment signed at 3.15 pm on 9 February 2024

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<sup>1</sup> *Danske Mobler Ltd v A Labour Inspector of the Ministry of Business, Innovation and Employment* [2023] NZERA 102 (Member Larmer).

<sup>2</sup> *Danske Mobler Ltd v A Labour Inspector of the Ministry of Business, Innovation and Employment* [2023] NZEmpC 233.

<sup>3</sup> *A*[2023] NZERA 102 (Member Larmer).