

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 112
5163603

BETWEEN AUCKLAND WOOD WASTE
 REMOVALS LIMITED
 Applicant

AND POIAKI MANAVESE
 Respondent

Member of Authority: Dzintra King

Submissions received: 11 January 2011 from Respondent
 25 January 2011 from Applicant

Determination: 23 March 2011

COSTS DETERMINATION OF THE AUTHORITY

[1] The applicant, Auckland Wood Waste Removals Limited, was unsuccessful in its attempt to have the matter reopened. The parties have been unable to agree costs. The respondent now seeks costs.

[2] The respondent's legal costs total \$2,400 plus disbursements of \$54.40. Counsel's normal charge out rate is \$200 but was reduced in this case to \$150, plus disbursements of \$54.40. Ms Marshall spent 16 hours on this matter.

[3] Mr Waalkens for the applicant says that \$2,400 is an excessive amount to have spent on this case and that an award of \$400 for a two hour hearing would be reasonable.

[4] The criteria for awards of costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808.

[5] Costs normally follow the event and the respondent is entitled to recover a reasonable contribution to its reasonably incurred costs.

[6] Costs in the Authority are to be moderate and not punitive.

[7] The applicant is to pay the respondent the sum of \$1,000 plus disbursements of \$54.40.

Dzintra King

Member of the Employment Relations Authority