

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**[2012] NZERA Auckland 291  
5338656**

BETWEEN                      GEORGE REHUA BROOKING  
   Applicant  
  
AND                                IDEA SERVICES LTD IN  
   STATUTORY MANAGEMENT  
   Respondent

Member of Authority:        Eleanor Robinson  
  
Costs Submissions            9 March 2012 from Applicant  
   5 March 2012 from Respondent  
  
Determination:                27 August 2012

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1]     By determination [2012] NZERA Auckland 49 the Authority found that the Applicant Mr George Rehua Brooking had not raised a personal grievance within the 90 day period pursuant to s 114 (1) of the Employment Relations Act 2000 (the Act).

[2]     In that determination costs were reserved in the hope that the parties would be able to settle this issue between them. Unfortunately they have been unable to do so, and the Respondent, Idea Services Limited (Idea Services), has filed submissions in respect of costs.

[3]     Mr Paul McBride on behalf of Idea Services submits that Idea Services has incurred actual legal costs of approximately \$4,000.00 including GST, and is seeking a contribution towards costs of \$2,500.00.

[4]     The principles applicable to awards of costs in the Authority are well established. It is a principle set out in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*<sup>1</sup> that costs are modest. A tariff based approach is that usually adopted by the Authority, which has the discretion to raise or lower the tariff, depending on the circumstances. For a full day Investigation Meeting the normal tariff would equate to an award of \$3,500.00.

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<sup>1</sup> [2005] 1 ERNZ 808

[5] The Investigation Meeting in respect of this matter was dealt with “on the papers”. It was a straightforward matter, no hearing was required and the matter was decided on the basis of a telephone conference and on written submissions from the parties. Minimal time would have been required for preparing the legal submissions as the law in this area is well settled.

[6] Costs normally follow the event and Idea Services was the successful party in the matter. I consider it appropriate to base the level of costs on the normal tariff in the Authority and to take a half day investigation meeting as the appropriate amount of time required to be spent on this straightforward matter.

[7] Accordingly Mr Brooking is ordered to pay Idea Services the sum of \$1,750.00 towards its legal costs.

**Eleanor Robinson**  
**Member of the Employment Relations Authority**