

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Lorraine Draper (Applicant)  
**AND** Waikato District Health Board (Respondent)  
**REPRESENTATIVES** Joanne Watson, Counsel for Applicant  
Paul White, Counsel for Respondent  
**MEMBER OF AUTHORITY** Leon Robinson  
**SUBMISSIONS RECEIVED** 2 November 2005  
16 November 2005  
**DATE OF DETERMINATION** 18 November 2005

**DETERMINATION OF THE AUTHORITY AS TO COSTS**

[1] By a Determination dated 26 September 2005<sup>1</sup>, I determined that Mrs Lorraine Draper (“Mrs Draper”) had a personal grievance and I made various orders to resolve the problem.

[2] The parties were invited to resolve costs between them but they were unable to agree. The representatives have made submissions to assist me in the exercise of the Authority’s discretion.

[3] Ms Watson advises Mrs Draper’s legal costs are \$19,120.00 together with disbursements of \$635.36. Ms Watson submits that Waikato District Health Board (“the Board”) should be ordered to pay Mrs Draper her full costs or alternatively, a contribution of \$18,000.00 plus disbursements.

[4] Mr White usefully refers the Authority to recent costs determinations and extrapolating the relevant principles, submits a reasonable contribution to Mrs Draper’s costs would be the sum of \$6,336.00.

[5] This investigation meeting proceeded over four days on 26 & 27 July and 5 & 18 August. The final day was for counsels’ submissions. I agree with Mr White’s submission and, for the reasons he articulates, that three days meeting time is more appropriate.

[6] Mrs Draper succeeded in a claim that she had an employment relationship problem. The Authority determined that that problem required formal orders by way of resolution. As such, Mrs Draper is to be regarded as the successful party. She is entitled to an award of costs, but on a contribution basis.

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<sup>1</sup> AA323/05

[7] I now assess a notional quantum of reasonable costs. For present purposes I accept the investigation meeting time at three days. I consider a multiplier of 2 should be applied to total hearing time of 24 hours to yield total professional time involved of 48 hours. I apply an hourly rate of \$200.00 for counsel to yield a notional sum of reasonable costs of \$9,600.00. The Board shall contribute to that sum in the amount of \$7,000.00. That sum is inclusive of disbursements.

[8] Exercising my discretion on a principled basis, **I order Waikato District Health Board to pay to Lorraine Draper the sum of \$7,000.00 as a contribution to costs.**

Leon Robinson  
**Member of Employment Relations Authority**