



contended that the case is *relatively unusual* is because Mr Stocker had the opportunity to make good on the claim on Drayton Transport Limited at an early stage and yet chose to defend his entirely unmeritorious claim in the Authority.

[4] I do not accept that submission. It would usually be the case that an unsuccessful party has had opportunities to settle a matter before it went to an investigation meeting in the Authority and I do not think it necessarily follows that because Mr Stocker chose not to make good on his default in advance of the investigation meeting he ought of necessity to meet all of the costs of Drayton Transport Limited.

[5] However, given the quantum of the claim for costs and the fact that it falls well within the daily tariff approach which the Authority has often adopted in the costs setting, I will make an order that Mr Stocker pay a significant contribution to Drayton Transport Limited's costs.

[6] The submissions received from Mr Stocker were directed rather at complaining about the original decision of the Authority than about offering anything specific in relation to the matter of costs.

### **Determination**

[7] The Authority does not traditionally award costs contributions against the GST component of bills of account rendered by counsel, and accordingly I have rebated the Drayton Transport Limited's claim for full solicitor/client costs by a 12.5% discount which brings the figure to \$836.72.

[8] I direct that Mr Stocker is to pay to Drayton Transport Limited the sum of \$836.72 as a contribution to Drayton Transport Limited's costs in this matter.

[9] There may need to be some arrangement in respect to time payment of this sum.

James Crichton  
Member of the Employment Relations Authority