

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Hazel & Amanda Gower (Applicant)
AND Eurest NZ Limited (Respondent)
REPRESENTATIVES Ken Nicolson, Counsel for Applicant
David France, Counsel for Respondent
MEMBER OF AUTHORITY Leon Robinson
INVESTIGATION MEETING 7 November 2005
15 November 2005
DATE OF DETERMINATION 18 November 2005

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] By a Determination dated 21 October 2005¹, I determined that Mrs Hazel Gower and her daughter Ms Amanda Gower had not been dismissed by Eurest NZ Limited.

[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] I am not informed of Eurest's actual legal costs but Mr France seeks an award of \$2,500.00 as a contribution to Eurest's reasonable costs.

[4] Mr Nicolson submits that to encourage closure and allow the parties to put the matter behind them, costs ought to lie where they fall.

[5] This investigation meeting was concluded after 4.5 hours at 3.30 pm on 23 August 2005.

[6] Mrs Gower and Ms Gower did not succeed in their claim that they had employment relationship problems requiring formal orders from the Authority by way of resolution. As such, Eurest NZ Limited is to be regarded as the successful party. It is entitled to an award of costs, but on a contribution basis.

[7] I now assess a notional quantum of reasonable costs. I consider a multiplier of 2 should be applied to total meeting time of 4.5 hours to yield total professional time involved of 9 hours. I apply an hourly rate of \$250.00 for counsel to yield a notional sum of reasonable costs of \$2,250.00. Mrs Gower and Ms Gower shall jointly and severally contribute to that sum in the amount of \$1,500.00.

¹ AA421/05

[8] Exercising my discretion on a principled basis, **I order Hazel Gower and Amanda Gower to pay to Eurest NZ Limited the sum of \$1,500.00 as a contribution to costs.**

Leon Robinson
Member of Employment Relations Authority