

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2014] NZERA Auckland 112
5408684

BETWEEN FRANCIS HUDSON
 Applicant

AND JAPANESE SPARES
 LIMITED
 Respondent

Member of Authority: K J Anderson

Representatives: Emma Foster, Advocate for Applicant
 Angela Lee, Advocate for Respondent

Submissions received: 24 January 2014 from Applicant
 19 February 2014 from Respondent

Determination: 27 March 2014

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 18 December 2013¹ the Authority found that the applicant was unjustifiably dismissed and remedies were awarded. The parties were invited to resolve the issue of costs but have not been able to do so. Submissions on costs have been lodged by the applicant with only a brief response from the respondent.

[2] The applicant acknowledges the usual tariff based approach adopted by the Authority when considering costs and says that the investigation meeting was for half a day; hence an award of \$1,750 would normally apply. The applicant submits that this sum should be increased by \$200 because, it is alleged, the respondent refused to discuss costs or attempt to reach a resolution of the matter; hence the applicant has been put to further costs preparing submissions in anticipation of the Authority determining the matter. It is also submitted for the applicant that a total sum of \$2,500

¹ [2013] NZERA Auckland 576

should be awarded to take into account the “non-responsive” and “delaying tactics” (allegedly) adopted by the respondent.

[3] The applicant has not provided any evidence pertaining to the costs incurred, and given that the preparation required for the investigation meeting was minimal, six hours at most I would suggest; and given that Mr Hudson was represented by an advocate with medium experience, a reasonable fee would be \$1,200 (\$200 x 6). The investigation meeting took approximately two hours and there was little complexity involved.

[4] Taking all the circumstances into account, including that I accept that the respondent appears to have made little or no effort to resolve this matter, there should be a reasonable contribution towards the costs incurred by the applicant.

Determination

[5] Pursuant to clause 15 of the Second Schedule of the Employment Relations Act 2000, Japanese Spares Limited is ordered to pay to Mr Hudson the sum of \$1,000.00.

K J Anderson
Member of the Employment Relations Authority