



# New Zealand Employment Relations Authority Decisions

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## Jones v Waste Management NZ Limited (Christchurch) [2018] NZERA 1186; [2018] NZERA Christchurch 186 (12 December 2018)

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## Jones v Waste Management NZ Limited (Christchurch) [2018] NZERA 1186 (12 December 2018); [2018] NZERA Christchurch 186

Last Updated: 19 December 2018

**IN THE EMPLOYMENT RELATIONS AUTHORITY CHRISTCHURCH**

[2018] NZERA Christchurch186  
3000204

BETWEEN BRIDGET JONES Applicant

A N D WASTE MANAGEMENT NZ LIMITED

Respondent

Member of Authority: Helen Doyle

Representatives: Richard Maze, Counsel for applicant

Daniel Erickson, Counsel for respondent

Submissions Received: 7 December 2018 from Applicant

10 December 2018 from Respondent

Date of Determination: 12 December 2018

**COSTS DETERMINATION OF THE EMPLOYMENT RELATIONS AUTHORITY**

A. I order Waste Management NZ Limited to pay to Bridget Jones the sum of \$8000 for costs and \$224.89 for disbursements.

### **The substantive determination**

[1] The Authority in its determination dated 26 November 2018 found in favour of the applicant that she was unjustifiably constructively dismissed and awarded lost wages and compensation.

[2] The issue of costs was reserved and a timetable set in the event that agreement was unable to be reached. The Authority now has submissions on behalf of the applicant and respondent.

### **The applicant's submissions**

[3] Mr Maze refers to the principles in *PBO Ltd (formerly Rush Security Ltd) v Da*

*Cruz*.<sup>1</sup>

[4] He submits that the Authority should apply the daily tariff for a two day investigation meeting of \$4,500 for the first day of hearing and \$3,500 for the following day with a modest uplift of \$500 to reflect the additional work sourcing information for the investigation.

[5] The applicant seeks the sum of \$8,500 together with the lodgement fee of \$71.56 and \$153.33 for the hearing fee for the second day.

### **The respondent's submissions**

[6] Mr Erickson on behalf of the respondent advises that the respondent accepts the applicant is entitled to an award of costs.

[7] Mr Erickson submits that the costs should be calculated and awarded on the basis of the daily tariff and that a request for further information made by the Authority does not require uplift in the quantum of costs. The respondent also accepts that the applicant is entitled to reimbursement for the disbursements as sought.

### **Determination**

[8] I have considered whether there should be uplift in circumstances where the

Authority requested further information.

[9] The respondent provided the information that was requested by the Authority. I accept there would have been some time spent viewing that information. I am not satisfied however that the circumstances are such that an increase is justified to the daily tariff for the two day investigation meeting.

<sup>1</sup> *PBO Limited v Da Cruz* [\[2005\] NZEmpC 144](#); [\[2005\] ERNZ 808](#) at [\[44\]](#)

[10] I find that an award of costs in the sum of \$8,000 together with the sum of \$224.89 for reimbursement of the filing fee and hearing fee for the second day would be fair and reasonable in all the circumstances.

[11] I order Waste Management NZ Limited to pay to Bridget Jones the sum of \$8,000 being costs and \$224.89 for reimbursement of disbursements.

Helen Doyle

Member of the Employment Relations Authority

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