

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**[2011] NZERA Auckland 187
5311941**

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| | BETWEEN | GERDA KRUTHOFFER Applicant |
| | AND | DRK CHARTERED ACCOUNTANTS LTD Respondent |
| Representatives: | Warren Simpson, Counsel for the Applicant Peter Tatham, Counsel for the Respondent | |
| Member of Authority: | Eleanor Robinson | |
| Determination: | 06 May 2011 | |

COSTS DETERMINATION OF THE AUTHORITY

[1] By determination [2011] NZERA Auckland 108 the Authority found that the Applicant, Mrs Gerda Kruthoffer, had been unjustifiably disadvantaged in her employment with the Respondent, DRK Chartered Accountants Ltd (“DRK”). In that determination costs were reserved in the hope that the parties would be able to settle this issue between themselves. However the parties have submitted the matter to the Authority for determination.

[2] The matter involved 1 day of meeting time. The principles applicable to awards of costs in the Authority are well established. It is a principle set out in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*¹ that costs are modest. A tariff based approach is that usually adopted by the Authority, which has the discretion to raise or lower the tariff, depending on the circumstances. For a 1 day Investigation Meeting this would normally equate to an award of \$3,000.00.

[3] Mr Warren on behalf of Mrs Kruthoffer is seeking a contribution to costs of \$3,000.00. Mr Tatham for DRK is in agreement with this level of award.

¹ [2005] 1 ERNZ 808

[4] Accordingly, DRK is ordered to pay Mrs Kruthoffer \$3,000.00 costs, pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000.

[5] Mrs Kruthoffer wishes to recover the \$71.56 filing fee paid on her application. DRK is ordered to pay that amount of \$71.56 in addition to the costs award.

Eleanor Robinson
Member of the Employment Relations Authority