



New Zealand Employment Relations Authority Decisions

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Lal v The Warehouse Limited (Auckland) [2016] NZERA 423; [2016] NZERA Auckland 305 (9 September 2016)

Last Updated: 1 December 2016

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2016] NZERA Auckland 305
5547066

BETWEEN MEENA LAL Applicant

A N D THE WAREHOUSE LIMITED Respondent

Member of Authority: T G Tetitaha

Representatives: S Greening, Counsel for Applicant

M McGoldrick, Counsel for Respondent

Investigation Meeting: On the papers

Submissions Received: 24 March 2016 from Respondent only

Date of Determination: 9 September 2016

COSTS DETERMINATION OF THE AUTHORITY

A. Meena Lal is ordered to pay The Warehouse Limited \$5,250.00 towards its actual legal costs.

Employment relationship problem

[1] The Authority in its substantive determination dated 10 March 2016¹

dismissed the personal grievance application. Costs were reserved.

[2] The respondent now applies for costs. Its actual costs were \$20,762.50. It seeks \$7,000 based upon two days hearing time at the Authority's daily notional tariff of \$3,500.

[3] The correct approach to assessing costs in this matter is for the Authority to adopt its usual notional daily tariff based approach to costs.² The current notional

daily tariff is \$3,500. This matter involved a one and a half day investigation meeting. The starting point for assessing costs is therefore \$5,250.

Are there any factors that warrant adjusting the notional daily tariff?

Factors which warrant a reduction in the notional daily tariff

[4] The respondent seeks an increase in the daily notional tariff to reflect the later filing of submissions.

[5] The tariff is intended to include all matters involved in preparation for the hearing time allocated. No further uplift is

warranted.

[6] There are no factors warranting any decrease in tariff.

Outcome

[7] Meena Lal is ordered to pay The Warehouse Limited \$5,250.00 towards its actual legal costs.

[8] I have issued this determination outside the statutory period of three months after receiving the last submissions from the parties. I record that the Chief of the Authority has decided under [section 174C\(4\)](#) of the [Employment Relations Act 2000](#) (the Act) that exceptional circumstances existed for providing this written determination of findings later than the latest date specified in [s 174C\(3\)](#) of the Act.

TG Tetitaha

Member of the Employment Relations Authority

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