

Brockett, at a deemed rate of \$90 an hour. He seeks reimbursement for time spent representing the Respondent in a telephone conference with the Authority, preparing for and attending mediation, and preparing for and attending an Authority investigation meeting.

[5] The remaining itemised elements of the costs claim are for “*advice*” from Staples Rodway, a Hamilton firm of chartered accountants. Copies of four invoices for fees for advice are provided. The amount for advice relating to the Applicant is identified in the Respondent’s summary as totalling \$1166.06. How that figure is reached is not apparent on the face of invoices provided.

[6] The Applicant, through submissions of his solicitor, opposes costs being awarded for unspecified advice on employment matters by a firm of chartered accountants.

[7] It is not clear whether some of the fees are also for advice related to preparation for and attendance at mediation by Mr Brockett. The Authority does not award costs for mediation.

[8] However one invoice – dated 29 February 2008 – includes two items specifically noted as related to the Authority’s investigation. One is “*advice regards Authority hearing*” (\$87.50) and another notes as “*read through briefs of evidence and defence and provide feedback and recommendations*” (\$180). The investigation meeting was held in February.

[9] I accept these fees may be claimed as reasonably incurred costs for professional advice to assist with participation by the Respondent’s lay representative in an investigation meeting. The Respondent successfully defended the Applicant’s claim and is entitled to an award of \$200 as a reasonable contribution to those specifically identified costs.

[10] I also accept that some of the executive time spent by Mr Brocket in representing the Respondent may be reasonably claimed but not the full 20 hours alleged. Eight hours said to have been spent in relation to mediation is excluded. Twelve hours claimed for the Authority telephone conference and the two-and-a-half

hour investigation meeting are clearly overstated. The sum of \$150 is allowed as a reasonable contribution to the costs of executive time spent by Mr Brocket in representing the Respondent during the investigation.

[11] In summary, costs of \$350 are awarded to the Respondent. The amount awarded is to be paid within 28 days of the date of this determination.

Robin Arthur
Member of the Employment Relations Authority