



pay.

[9] As regards costs in connection with this proceeding, I note that had these been fixed under the Court's Practice Directions using Band B, Category 2 of the Guideline Scale, the entitlement would be in the order of \$13,860 (Items 4, 11, 12, 50 and 53 of the scale, at \$2,390 per day), albeit for a defended claim.<sup>2</sup>

[10] This sum is understandably well in excess of Mr Oliver's actual costs. He now seeks \$3,600 for costs and disbursements, which I consider to be fair and reasonable in the circumstances.

[11] Accordingly, I make the following orders:

(a) A compliance order that Mr Biggs comply with the costs order I made on 8 July 2021, that he pays Mr Oliver \$7,200. This order is to be complied with within 28 days.

<sup>2</sup> "Employment Court of New Zealand Practice Directions" <[www.employment.govt.nz](http://www.employment.govt.nz)> at No 16.

(b) That Mr Biggs pay Mr Oliver costs of \$3,600, with regard to the present proceeding. Under [s 139\(1\)](#) of the [Employment Relations Act 2000](#) (the Act), it is not possible at this stage to make a compliance order in respect of this sum. However, if it is not paid promptly, an application for a compliance order may be advanced.

[12] I also note that if there is a failure to satisfy the compliance order, an application for sanctions under [s 140](#) of the Act may be made, which includes the possibility of a fine being imposed.

[13] Mr Biggs should satisfy his obligations as quickly as possible, in order to bring this matter to an end, and to avoid potential further liabilities being incurred.

B A Corkill Judge

Judgment signed at 3.45 pm on 3 May 2022