



# Employment Court of New Zealand

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## Quality Consumables Limited v Hannah [2017] NZEmpC 123 (10 October 2017)

Last Updated: 13 October 2017

### IN THE EMPLOYMENT COURT AUCKLAND

#### [\[2017\] NZEmpC 123](#)

EMPC 120/2017

IN THE MATTER OF      a challenge against a determination  
                                 of the  
                                 Employment Relations Authority

AND IN THE MATTER    of an application for stay of  
                                 proceedings

AND IN THE MATTER    of an application for costs

BETWEEN                QUALITY CONSUMABLES LIMITED  
                                 Plaintiff

AND                        NICOLE MAREE HANNAH Defendant

Hearing:                By memorandum of counsel for defendant filed on 6  
                                 October  
                                 2017

Appearances:          M Ryan, counsel for plaintiff  
                                 G Pollak and J Lynch, counsel for defendant

Judgment:              10 October 2017

### COSTS JUDGMENT OF JUDGE M E PERKINS

[1] The Court issued an interlocutory judgment on 26 September 2017<sup>1</sup> in which the plaintiff's application for stay of enforcement of Employment Relations Authority's determination was granted.<sup>2</sup> Certain conditions were applied to the stay.

[2] If these conditions were not complied with within the time specified, then the order for stay would lapse.

[3] The plaintiff was ordered to pay the defendant costs on the application for

stay which were to be calculated in accordance with the Court's Guideline Scale

<sup>1</sup> *Quality Consumables Ltd v Hannah* [\[2017\] NZEmpC 114](#).

<sup>2</sup> *Hannah v Quality Consumables Ltd* [2017] NZERA Auckland 138.

pursuant to classification 2B. Any dispute as to the calculation of such costs could be referred back to the Court by appropriate memoranda.

[4] Mr Ryan, counsel for the plaintiff, has indicated that he is unable to receive instructions from the plaintiff in relation to costs. Mr Lynch, counsel for the defendant, has accordingly filed a memorandum setting out his calculation of the costs in accordance with the scale. These costs amount to \$6,355.50. Ms Hannah also applies for GST, I infer on the basis that she is not able to recover any GST payable by her in respect of her legal fees.

[5] No memorandum in respect of costs has been received on behalf of the plaintiff. The sum claimed on behalf of Ms Hannah appears reasonable. On the basis of the Court of Appeal's decision in *New Zealand Venue and Event Management Ltd v Worldwide NZ LLC*,<sup>3</sup> Ms Hannah is also entitled to reimbursement of GST on the costs awarded.

[6] Accordingly, there will be an order for costs against the plaintiff in the sum of

\$6,355.50 together with an uplift of \$953.33 to account for GST on that sum. As indicated in the Court's judgment of 26 September 2017, failure by the plaintiff to pay the costs will leave Ms Hannah to take such enforcement proceedings as she chooses.

ME Perkins

Judge

Judgment signed at 3.15 pm on 10 October 2017

3 *New Zealand Venue and Event Management Ltd v Worldwide NZ LLC* [\[2016\] NZCA 282](#), (2016)

[\[2016\] NZCA 282](#); [23 PRNZ 260](#).

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