

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKĀURAU ROHE**

[2020] NZERA 477
3078833

BETWEEN	ADRIAN ROTTIER Applicant
AND	CONCRETE STRUCTURES (NZ) LIMITED Respondent

Member of Authority: Robin Arthur

Representatives: Jim Wynyard, counsel for the Applicant
Kevin Badcock, counsel for the Respondent

Determination: 19 November 2020

COSTS DETERMINATION OF THE AUTHORITY

[1] By determination issued on 29 October 2020 Concrete Structures (NZ) Limited (CSL) was found to have unjustifiably dismissed Adrian Rottier and remedies of lost wages and distress compensation were awarded to him.¹

[2] The parties were encouraged to agree costs and were able to do so. This determination make orders relying on their agreement, as notified to the Authority in a joint memorandum of counsel.

[3] Mr Rottier had a grant of legal aid to assist him in bringing his application to the Authority. Any award of costs is limited to the level of his legal aid debt.

[4] Guided by Legal Aid's fixed fee schedule for this proceeding the parties calculated the appropriate level of costs totalled \$4,188.56. This sum is less than the Authority's usual daily tariff of \$4,500 for the one full day investigation meeting this matter required.

¹ *Rottier v Concrete Structures (NZ) Limited* [2020] NZERA 446.

[5] By consent and by order of the Authority CSL must now pay the sum of \$4,188.56 as costs directly to the Ministry of Justice Legal Aid Services for the account of Adrianus Josph Alphone Rottier, legal aid number 19970199.

Robin Arthur
Member of the Employment Relations Authority