

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2016] NZERA Auckland 45
5541332

BETWEEN RICK SPITZBART
Applicant
AND SOLARIX NETWORKS
LIMITED
Respondent

Member of Authority: TG Tetitaha
Representatives: G Bennett, Advocate for the Applicant
R Harrison, Counsel for the Respondent
Investigation Meeting: On the papers
Submissions: 22 January 2016 from Respondent
Date of Determination: 17 February 2016

COSTS DETERMINATION OF THE AUTHORITY

A. Rick Spitzbart is ordered to pay Solarix Networks Limited \$7,000 towards its actual legal costs.

Employment relationship problem

[1] The Authority in its substantive determination dated 8 January 2016¹ dismissed the applications for personal grievance and penalties. Costs were reserved.

[2] The respondent seeks costs at the Authority's usual daily tariff for two days totalling \$7,000.

[3] The respondent's approach to costs is correct. The starting point for costs is for the Authority to adopt its usual notional daily tariff based approach to costs² which

¹ *Rick Spitzbart v Solarix Networks Limited* [2016] NZERA 9.

² *Mattingly v Strata Title Management Ltd* [2014] NZEMPC 15 at [16].

is \$3,500 per hearing day. This matter involved a two day investigation meeting. The starting point for assessing costs is therefore \$7,000.

[4] There are no factors warranting reduction or increase of the daily tariff.

[5] Rick Spitzbart is ordered to pay Solarix Networks Limited \$7,000 towards its actual legal costs.

TG Tetitaha
Member of the Employment Relations Authority