

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2017] NZERA Christchurch 212  
3000447

BETWEEN                      NATHAN TAMATI  
   Applicant

AND                              MID-LAND CONTRACTING  
   LIMITED  
   Respondent

Member of Authority:        Andrew Dallas

Representatives:              Timothy Jackson and Hannah Goddard, Counsel for the  
   Applicant  
   Chris Jones, Counsel for the Respondent

Determination:                6 December 2017

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**COSTS DETERMINATION OF THE AUTHORITY**

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**Introduction**

[1]     By determination issued on 20 September 2017, the Authority made findings about Nathan Tamati's employment relationship problem with Mid-land Contracting Limited (Mid-land). Mr Tamati was found to have been unjustifiably dismissed.

[2]     The determination reserved costs but encouraged the parties to resolve that issue themselves. It included an indication that, if asked to determine costs, the Authority's assessment would be the applicable daily tariff of \$4500.

[3]     In a memorandum on costs subsequently lodged Mr Tamati, through his representative, sought an order for a costs award of \$7826.20. No evidence, such as invoices, was provided in support of this claim.

[4] The parties then appeared to have reached an in principle agreement that Mid-land would pay Mr Tamati \$4500 as a contribution to his costs. This in principle agreement was recorded in a draft consent memorandum provided to the Authority and also in correspondence from Mid-land's solicitors to the Authority.

[5] For reasons which are not entirely clear, the consent memorandum was not executed by the parties. Counsel for Mid-land said he was overseas while the costs negotiations were being conducted and the solicitor dealing the file was not aware of the length of the investigation meeting.

[6] Upon counsel's return to the matter, Mid-land now seeks a costs award of no greater than \$3000 on the basis the Authority's investigation meeting was less than one full day.

[7] The investigation meeting on 30 May 2017 lasted approximately five hours. A "day" in the Authority is seven hours. Five-sevenths of \$4500 is \$3195. This figure is the appropriate notional tariff in this matter.

### **Result**

[8] Taking into account all relevant facts and circumstances, the sum of \$3195 must be paid by Mid-land to Mr Tamati within 28 days of the date of this determination.

Andrew Dallas  
Member of the Employment Relations Authority