

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 131A/07  
5032250

BETWEEN                      PETER TAYLOR  
   Applicant  
  
AND                                REVIEW PUBLISHING  
   LIMITED  
   Respondent

Member of Authority:        Marija Urlich  
  
Representatives:              Mark Nutsford, Advocate for Applicant  
   Paul Tremewan, Counsel for Respondent  
  
Submissions received:        22 May 2007 from Applicant  
   22 May 2007 from Respondent  
  
Determination:                26 June 2007

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In a determination dated 30 April 2007 (AA 131/07) I found that Mr Taylor had been unjustifiably dismissed from his position as editor of "Beer, Wines & Spirits" magazine. Costs were reserved, the parties invited to attempt to resolve this issue themselves and a timetable set in the event those discussions were unsuccessful. The parties have filed costs memoranda.

[2] Mr Nutsford seeks an award of full costs in favour of Mr Taylor. The actual costs incurred by Mr Taylor total \$3285.25. \$2897.50 of this amount is preparation for and attendance at the investigation meeting. It does not appear to include costs related to mediation. \$387.75 relates to attempts to settle the costs issue and preparation of Mr Taylor's costs memorandum.

[3] Mr Tremewan makes the following points in his costs memorandum:

- (i) that a detailed breakdown of the work charged has not been provided;

- (ii) the issue of costs concerns an exercise of a discretion by the Authority;
- (iii) the purpose of a costs award is not to punish or express disapproval;
- (iv) the costs incurred are in excess of what was necessary to present a uncomplicated matter which was investigated in just over half a day;
- (v) the respondent has conducted itself in a manner intended to keep costs to a minimum;
- (vi) there are no grounds for a full indemnity award of costs to be made; and
- (vii) in accordance with the principles of *Da Cruz*<sup>1</sup>, any costs award should be modest, between \$500 and \$750.

[4] It is usual that costs follow the event. Mr Taylor was the successful party; he is entitled to a contribution to costs reasonably incurred. Grounds do not exist for full indemnity costs. Taking into account the principles articulated in *Da Cruz*, and the particular circumstances of this employment relationship problem, including that the matter was not complex and the investigation completed in under a day with written closing submissions filed at a later date, I set the award of costs at \$1300.

[5] Review Publishing Limited is ordered to pay Peter Taylor \$1300 as a contribution to his legal costs and I so order.

Marija Urlich

Member of the Employment Relations Authority

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<sup>1</sup> *PBI Ltd v Da Cruz* [2005] 1 ERNZ 808