

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA269A/09
5150660**

BETWEEN ALBERT THOMPSON
 Applicant

AND DUNDEE LUMBER LIMITED
 Respondent

Member of Authority: Yvonne Oldfield

Representatives: Marcus Steele for Applicant
 Murray Ferris, director, for Respondent

Submissions received: 11 August 2009 from Applicant and 19 August 2009
 from Respondent

Determination: 19 October 2009

COSTS DETERMINATION OF THE AUTHORITY

[1] This employment relationship problem concerned a claim of unjustified dismissal. In a determination dated 10 August 2009 I concluded that Mr Thompson had been unjustifiably dismissed and ordered the respondent to pay remedies of lost earnings and compensation.

[2] In a submission on Mr Thompson's behalf, Mr Steele now claims as follows:

Costs of representation (inclusive of attendance at mediation)	\$1,600.00
Earnings lost to Mr Thompson through attendance at mediation and at the Authority investigation meeting	\$288.00
Expenses incurred in travel from Kaitaia to Whangarei for mediation and for the Authority investigation meeting	\$400.00
Disbursements	\$100.00
Filing Fee	\$70.00

[3] In his submission, Mr Ferris suggests that in considering costs, it should be taken into consideration that Mr Thompson was successful in obtaining remedies. He also notes that there was only one meeting of the Authority, and questions the basis of the rate charged by Mr Steele (\$80.00/hour.)

Determination

[4] Costs awards are not usually made in respect of mediation or in respect of earnings lost through attendance at an Authority investigation meeting. Claims for travel costs may be accepted depending on the circumstances. I am satisfied that they are reasonable in this case where Mr Thompson has had to travel between Kaitaia (where he went to find work after the dismissal) and Whangarei (where the investigation meeting was held.) As for the fee charged by Mr Steele, unless manifestly unreasonable that is a matter between him and Mr Thompson.

[5] I accept that the following costs and disbursements were reasonably incurred in relation to the investigation meeting:

Costs of representation (exclusive of attendance at mediation)	\$800.00
Expenses incurred in travel from Kaitaia to Whangarei for the Authority investigation meeting	\$200.00
Disbursements	\$100.00
Filing Fee	\$70.00

[6] These are well within the normal range of costs awards for a half day meeting. **I therefore order that the respondent, Dundee Lumber Limited, pay to Mr Thompson the sum of \$800.00 costs, \$300.00 travel expenses and disbursements, and \$70.00 filing fee.**

Yvonne Oldfield

Member of the Employment Relations Authority