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Waipouri v Rightside Properties Ltd AA 268A/07 (Auckland) [2007] NZERA 787 (28 November 2007)

Last Updated: 23 November 2021

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

AA 268A/07

5081122

BETWEEN JOSEPH WAIPOURI

Applicant

AND RIGHTSIDE PROPERTIES LIMITED

Respondent

Member of Authority: Leon Robinson Determination: 28 November 2007

DETERMINATION OF THE AUTHORITY

[1] By a determination dated 30 August 2007 I resolved this employment relationship problem by formal orders in Mr Waipouri's favour.

[2] Mr Waipouri through his representative now makes application for costs. As was the case in the substantive investigation, Rightside Properties Limited takes no part in the matter.

[3] Mr Waipouri's representative submits an invoice she rendered to Rightside Properties Limited on Mr Waipouri's behalf dated I understand 4 September 2007. The invoice totals \$5,204.12. I interpret the submission of that invoice to the Authority for present purposes as intended to evidence Mr Waipouri's costs.

[4] The representative's accompanying memorandum is completely unhelpful to me. The indicated cost of the investigation meeting is said to be \$2,500.00. That meeting lasted less than 45 minutes. The cost of it to Mr Waipouri is excessive. The indicated cost for "mediation meeting and sundries" is said to be \$2,584.12. I do not allow costs for mediation. Then there is an amount of \$120.00 in relation to the "Dominion Law Trust Account" which has no meaning at all to me. I conclude the costs incurred are excessive.

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[5] The present task is difficult because of a complete lack of assistance given to the Authority. I remain unpersuaded of the reasonableness of the costs indicated as incurred by Mr Waipouri.

[6] Having regard to the unsatisfactory manner of the application and leaving aside my view of the excessive costs appeared to have been incurred by Mr Waipouri, I accept however he has incurred some cost for his representation. I consider the most appropriate course in the circumstances is to allow costs on the tariff based approach for a half day investigation meeting.

[7] Accordingly for the reasons set out above and exercising my discretion on a principled basis, **I order Rightside Properties Limited to pay to Joseph Waipouri the sum of \$750.00.**

Leon Robinson

Member of Employment Relations Authority

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