

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** John Bell (Applicant)  
**AND** JHL Paint Management Services Limited (Respondent)  
**REPRESENTATIVES** John Shadbolt, Advocate for Applicant  
Carl Blake, Counsel for Respondent  
**MEMBER OF AUTHORITY** Dzintra King  
**MEMORANDA RECEIVED** 28 June 2005 from Respondent  
No memorandum in reply received from Applicant  
**DATE OF DETERMINATION** 6 July 2005

**COSTS DETERMINATION OF THE AUTHORITY**

Mr John Bell, the applicant, was unsuccessful in his claim that he was or became an employee and that he was unjustifiably dismissed. The respondent now seeks costs.

Mr Blake did not tell me what the actual costs incurred were, merely that the respondent did not seek full costs. What is claimed is the sum of \$8,400 plus \$91.62 in disbursements. This is based on the view that this sum constitutes a fair and reasonable contribution to costs. It is calculated on the basis of Mr Blake's charge out rate being \$350 per hour, the meeting taking eight hours and using a multiplier of three. This is an overestimation of what reasonable costs would be. This was not a complex matter and even allowing for an eight hour day the amount sought is too high. I would allow a multiplier of two which would bring the total to \$5,600.

What the respondent is entitled to is a reasonable contribution to reasonably incurred fees. A reasonable contribution to the respondent's legal costs is \$1,500 plus the sum of \$91.62 sought for disbursements.

Dzintra King  
Member of Employment Relations Authority