



# Employment Court of New Zealand

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## Cheville Motors Limited v Cranswick [2017] NZEmpC 112 (20 September 2017)

Last Updated: 25 September 2017

### IN THE EMPLOYMENT COURT AUCKLAND

#### [\[2017\] NZEmpC 112](#)

EMPC 43/2017

IN THE MATTER OF      a challenge to a determination  
                                 of the  
                                 Employment Relations  
                                 Authority

AND IN THE MATTER   of an application for costs

BETWEEN                CHEVELLE MOTORS LIMITED  
                                 Plaintiff

AND                        TRINA CRANSWICK Defendant

Hearing:                On the memorandum filed by the defendant on 12  
                                 September  
                                 2017

Judgment:             20 September 2017

### COSTS JUDGMENT OF JUDGE M E PERKINS

[1] In a judgment of 29 August 2017 the challenge by the plaintiff to a determination of the Employment Relations Authority dated 1 February 2017 was dismissed for want of prosecution.<sup>1</sup>

[2] In the judgment costs were reserved although costs were to follow the event. An opportunity was given to both parties to file memoranda on the matter of costs.

[3] A memorandum on costs has now been received from counsel for the defendant. No memorandum has been received on costs from Mr Johnstone even though, in my judgment of 29 August 2017, he was invited to do so within a period

of 14 days. The Court is now in a position to deliver a judgment on costs.

<sup>1</sup> *Cheville Motors Ltd v Cranswick* [\[2017\] NZEmpC 108](#).

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[4] In her memorandum on costs on behalf of Ms Cranswick, counsel Ms Tretheway has set out a brief history of the proceedings leading to their dismissal. Insofar as costs are concerned, Ms Tretheway states that the Tairāwhiti Community Law Centre, which represented Ms Cranswick in this matter is normally a free service for the defendant. Nevertheless, Ms Tretheway states that overhead costs were incurred by the Community Law Centre on behalf of Ms Cranswick in preparing documents, phone calls and the time counsel spent on preparing for the case. That being the position, the costs that are requested are as follows:

(a) photocopying and courier charges - \$200;

(b) reimbursement of Community Law Centre expenses in preparation of documents, which included affidavits and submissions and preparation for the case including attendances with the defendant-

\$1,000;

(d) total of \$1,200.

[5] I can see no reason why the Community Law Centre should not have some contribution towards its reasonable overhead expenses in representing Ms Cranswick in this matter. The charges made by the Community Law Centre on the case are so substantially less than the costs to which a party would be entitled under the Court's Guideline Scale of Costs that it would be churlish not to allow them in full. The disbursements were obviously reasonably incurred.

[6] In the circumstances, there will be an order for costs in favour of Ms Cranswick against the plaintiff, Chevelle Motors Ltd, in the sum of \$1,200. In the circumstances Chevelle Motors Ltd is ordered to pay that sum forthwith to the

Community Law Centre.

Judgment signed at 10.45 am on 20 September 2017

M E Perkins

Judge

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