

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

WA 65/10  
9159084

BETWEEN

ALAN DEWSNAP  
Applicant

AND

KAPITI TECHNOLOGIES  
LIMITED  
Respondent

Member of Authority: P R Stapp

By Memoranda: 26 March 2010

Determination: 13 April 2010

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**COSTS DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] The issue of costs was reserved by me in my determination of 14 December 2009 (see WA 197/09 (unreported)).

[2] Kapiti Technologies Limited has applied for \$3,000 plus GST and plus \$70 disbursements for cellular and bureau.

[3] The claim has been opposed by Mr Dewsnap who has asked the Authority to make an order that costs lie where they fall.

**Determination on costs**

[4] Costs follow the event. Kapiti Technologies Limited successfully defended the claim that it should have been treated the same as Zeal Distributors Limited (In Liquidation). It was put to the cost of defending the claim and properly engaged a representative to assist given the law that applied.

[5] I have not been satisfied that the reasons advanced by Mr Dewsnap support the Authority applying equity and good conscience for costs to lie where they fall because costs are not to penalise a party but to compensate a party that has been put to the cost of defending a matter. The factual matters relating to the substantive investigation and determination relied by Mr Dewsnap are not relevant for costs.

[6] No information has been provided to support adding GST. Thus, I have treated the claim for costs as inclusive of GST. The tariff in this instance can cover any disbursements. The \$70 claim for cellular and bureau has not been supported by any receipts and invoices itemising the claim and establishing their relevance.

[7] The claim, including disbursements, is entirely within the range of the daily tariff applied by the Authority for an investigation, and given the length of the investigation meeting and the preparation involved I award \$3,000 to Kapiti Technologies Limited.

**Order for Mr Dewsnap to pay costs**

[8] I order Alan Dewsnap to pay Kapiti Technologies Limited \$3,000 contribution to costs.

P R Stapp  
Member of the Authority