

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

**AA140A/09
5137268**

BETWEEN

BRUCE RAYMOND
DOUGLAS
Applicant

AND

GODFREY HAULAGE LTD
Respondent

Member of Authority: Leon Robinson

Determination: 8 June 2009

COSTS DETERMINATION OF THE AUTHORITY

[1] By a Determination dated 5 May 2009, I made formal orders in settlement of the employment relationship problem between these parties. I set a timetable for the receipt of submissions in the event that costs were sought. Mr Douglas now makes application for costs. The respondent company Godfrey Haulage Limited ("Godfrey") has not lodged any reply submissions. The application is therefore unopposed.

[2] Through his counsel, Mr Douglas claims total costs of \$8,709.13 inclusive of GST. That sum includes 23.2 hours of counsel's time at \$250.00 per hour and travel costs. It is GST exclusive costs which are relevant.

[3] This is an equity and good conscience jurisdiction and costs awards in the Authority are generally modest consistent with the Authority's approach to its investigations. The exercise of my discretion calls for a determination of what is a fair and reasonable contribution as between the parties.

[4] This investigation proceeded over one day. The applicant was wholly successful in obtaining the Authority's formal orders by way of resolution. Mr Douglas is entitled to an award of costs, but on a contribution basis.

[5] I award costs on a daily tariff basis in the sum of \$3,000.00. I make no award for travel expenses. Exercising my discretion on a principled basis and for the reasons outlined above, **I order Godfrey Haulage Limited to pay to Bruce Raymond Douglas the sum of \$3,000.00 as costs.**

Leon Robinson
Member of Employment Relations Authority