

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2013] NZERA Christchurch 45  
5359297

BETWEEN KATE MARY LOUISSON  
FISHER  
Applicant

A N D CARRIE O'BRIEN  
Respondent

Member of Authority: M B Loftus

Representatives: Andrew Marsh, Counsel for Applicant  
Carrie O'Brien on her own behalf

Submissions Received: 12 February 2013 from the Applicant  
Nil from the Respondent

Date of Determination: 4 March 2013

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] On 25 January 2013 I issued a determination concluding Ms Fisher had a personal grievance in that she was unjustifiably dismissed. Costs were reserved.

[2] Ms Fisher now seeks a contribution toward those she incurred in pursuing her claim and suggests \$3,500 is appropriate. That is based on a view \$2,000 is reasonable for what was a hearing of about three hours, plus a further \$1,500 for preparation.

[3] The application was forwarded to Ms O'Brien by both Ms Fisher and the Authority. Ms O'Brien has been in subsequent contact with the Authority but not questioned this claim. Nor has she provided a response within the requisite period. In the circumstances I consider it appropriate to determine the claim.

[4] Normally the Authority will use a daily tariff approach when addressing a costs claim (refer *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] ERNZ

808). The normal starting point is \$3,500 per day and from there adjustment may be made depending on the circumstances.

[5] The hearing took half a day which would, applying the above formula, mean a contribution in the order of \$1,750.

[6] The argument for a greater sum does not persuade me as it is a double dip. The daily tariff includes an allowance for preparation yet Ms Fisher seeks an additional sum in that respect. Her claim of \$2,000 for the hearing also implies an hourly rate in excess of \$600. That is unreasonable.

[7] The conclusion Ms Fisher's argument for an enhanced contribution is unpersuasive, along with the fact I have been given no other rationale for departing from the daily tariff means I shall apply it.

[8] The respondent, Ms Carrie O'Brien, to therefore ordered to pay the applicant, Ms Kate Fisher, the sum of \$1,750 (one thousand, seven hundred and fifty dollars) as a contribution toward the costs Ms Fisher incurred in pursuing her claim.

M B Loftus.  
Member of the Employment Relations Authority