

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 277A/07
5050926

BETWEEN GRAYSON FORD
Applicant

AND GENERAL STORAGE
LIMITED
Respondent

Member of Authority: Robin Arthur

Representatives: Mark Ryan for Applicant
Peter Elder for Respondent

Determination: 25 October 2007

COSTS DETERMINATION OF THE AUTHORITY

[1] By determination AA 277/07 (10 September 2007) the Applicant was found to have a personal grievance for unjustified dismissal and awarded remedies for lost wages and distress compensation.

[2] The parties were encouraged to resolve any issue of costs between them with provision made to apply to the Authority to have costs determined if they could not agree. The Applicant has lodged an application for costs. The Respondent has provided no reply within the stipulated timetable or since.

[3] The Applicant seeks an award of costs of \$2500 under the 'tariff-based approach' and principles usually applied in the Authority, as described by the Employment Court in *PBO Ltd v Da Cruz* [2005] 1 ERNZ 808. He says such an amount was "significantly less" than actual legal costs incurred but provides no detail of that.

[4] The so-called tariff of costs for a one-day investigation currently ranges from \$1500 to \$3000. These rates may be adjusted up or down to take into account factors, such as without prejudice offers, unnecessary costs or unhelpful conduct of the parties. No such adjustments are required in applying the principled discretion to award modest costs in the particular circumstances of this case. The matter was dealt with efficiently in a single day although arrangements needed to be made for the later lodging of the some material relevant to remedies that Applicant counsel should have anticipated and provided earlier. The Applicant provided a written witness statement in advance with additional oral evidence on the day from him and his mother. A limited amount of necessary documentary material was also provided and counsel gave a useful oral closing submission. The necessarily-incurred costs were closer to the lower end of the tariff scale. Accordingly I consider an award of \$1800 is a reasonable contribution from the Respondent to the costs of the Applicant. The Respondent is ordered to pay that amount to the Applicant.

Robin Arthur
Member of the Employment Relations Authority