

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

[2014] NZERA Wellington 76  
5437919

BETWEEN                      DARCY FRASER  
   Applicant  
  
AND                                THE GOOD GUYS GROUP  
   LIMITED  
   Respondent

Member of Authority:        G J Wood  
  
Representatives:              B Paradza for the Applicant  
   N Anderson for the Respondent  
  
Submissions Received:        By 27 June 2014  
  
Determination:                17 July 2014

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In my substantive determined I concluded that while Mr Fraser was not unjustifiably dismissed as claimed, he was subject to duress in his employment. He was awarded \$7,500 in compensation. I dismissed his claims that he was underpaid for hours worked and commission earned and that unlawful deductions were made from his pay. Mr Paradza sought a contribution to Mr Fraser's costs of \$3,500 "*in accordance with the daily tariff currently used by the Authority*", plus disbursements of \$320.50. Costs in respect of the investigation were said to total \$11,250 plus GST.

[2] It was submitted that in addition to the day of the investigation meeting, there were two telephone conferences required and that it was wrong for a witness for the respondent (The Good Guys) not to attend the investigation meeting.

[3] On behalf of The Good Guys, Ms Anderson submitted that costs should lie where they fall. She noted that the investigation took approximately 4 hours and that the company had spent 50 hours preparing for the investigation meeting, as well as

attending mediation and the investigation meeting, at great cost to it. It was also noted that The Good Guys were successful in defending the original claim for unjustified dismissal. I would add that The Good Guys were also successful in defending claims for the other monetary claims, such as allegedly wrongly paid commission.

[4] In many ways, apart from the duress overlay, which the Good Guys were able to address as part of the investigation process (although unfortunately for it a key witness failed to attend), this was a standard claim in the Authority. Even though the investigation meeting took less than a full day to complete, there was significant preparation involved. Some deduction must, however, be made for those claims (which took up a lot of investigatory and preparatory time) over which The Good Guys were successful.

[5] In all the circumstances I conclude that a costs award of \$2,000 is appropriate. While Mr Fraser claimed for disbursements of \$320.50, these items (effectively copying and courier charges) are office overheads that should be covered in normal costs of representation. I therefore dismiss the claim for expenses.

[6] I therefore order the respondent, Good Guys Group Limited, to pay to the applicant, Mr Darcy Fraser, the sum of \$2,000 in costs.

**G J Wood**  
**Member of the Employment Relations Authority**