

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
ŌTAUTAHI ROHE**

[2022] NZERA 608  
3175726

BETWEEN                      RIKI GREEN  
   Applicant  
  
AND                                RISE ROOFING LIMITED  
   Respondent

Member of Authority:        Helen Doyle  
  
Representatives:              Alex Kersjes and Kirsten Westwood, advocates for the  
   Applicant  
   Nathan Pere, advocate for the Respondent  
  
Submissions Received:        27 October 2022 from the Applicant  
   No submission from the Respondent  
  
Date of Determination:        21 November 2022

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**COSTS DETERMINATION OF THE AUTHORITY**

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**Substantive determination**

[1]     The Authority in its substantive determination dated 14 October 2022 found in favour of the applicant that he had established his grievance of unjustified dismissal and he was awarded remedies. The Authority reserved the issue of costs and set a timetable for an exchange of submissions if agreement could not be reached.<sup>1</sup>

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<sup>1</sup> *Riki Green v Rise Roofing Limited* [2022] NZERA 534.

[2] The Authority received submissions from the applicant in accordance with the timetable but did not receive submissions from the respondent.

[3] I now proceed to determine the issue of costs

### **The applicant's submissions**

[4] The applicant submits that the matter took a half day to investigate with written submissions and a costs application. The applicant seeks costs as the successful party and submits that the Authority should deal with costs on a daily tariff approach.

[5] It was set out that submissions were required to be provided in writing and as such an additional quarter day should be added to the tariff.

[6] Costs related to the matter are set out as \$6,500 including disbursements of \$284.56. It was submitted that a cost award of \$3,375 together with disbursements would be fair and reasonable.

### **Discussion and analysis**

[7] The Authority recorded in its minute book that the investigation meeting started at 9.30am and concluded at 11.00am.

[8] Written submissions were handed in on behalf of the applicant at the investigation meeting. There was no requirement stipulated in the Authority notice of direction of 8 September 2022 for submissions to be in writing. The notice of direction provided that closing submissions would be heard after completion of the evidence. The matter was factually and legally straightforward. The provision of submissions and the costs application is properly accounted for in the daily tariff.

[9] The investigation meeting occupied one and a half hours. An appropriate and fair starting point taking the circumstances into account for assessment of costs is one third of the daily tariff of \$4,500. There is no basis for any increase or decrease from the starting point of \$1,500.

[10] Disbursements of \$284.56 are claimed. These are set out generally in the tax invoice sent to the applicant as filing fee, printing, binding, stationary, general and travel. Disbursements are generally awarded for costs incurred to third parties. There is no difficulty

on that basis with reimbursement of the filing fee of \$71.56. I am not prepared to allow the other disbursements. I note in respect of travel that the applicant's advocate attended the investigation meeting by video conference.

**Orders made**

[11] I order Rise Roofing Limited to pay to Riki Green the sum of \$1,500 for costs and reimbursement of the filing fee of \$71.56.

**Helen Doyle**  
**Member of the Employment Relations Authority**