



Employment Court of New Zealand

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Hall v Westpac New Zealand Limited [2013] NZEmpC 78 (9 May 2013)

Last Updated: 23 May 2013

IN THE EMPLOYMENT COURT AUCKLAND

[\[2012\] NZEmpC 78](#)

ARC 82/12

IN THE MATTER OF an application for special leave to remove proceedings to the Court

BETWEEN GREGORY DOUGLAS HALL Applicant

AND WESTPAC NEW ZEALAND LIMITED Respondent

Hearing: Following memoranda filed on 8 May 2013 (At Auckland)

Counsel: Tony Drake, counsel for applicant

Phillipa Muir, counsel for respondent

Judgment: 9 May 2013

SUPPLEMENTARY JUDGMENT OF JUDGE M E PERKINS

[1] On 24 April 2013 I issued a judgment^[1] in this matter in respect of an application for special leave to remove proceedings from the Employment Relations Authority (the Authority) to this Court. I declined the application.

[2] In the course of submissions, both counsel for the applicant and the respondent sought costs in the event that their respective party was successful.

[3] Unfortunately in issuing the judgment I overlooked mentioning the question of costs. I had fully intended to reserve costs for further submissions.

[4] Memoranda have now been received from counsel. Ms Muir, for the respondent, proposes that the parties attempt to resolve the issue of costs between

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themselves and failing resolution that timetabling be set for further memoranda to be filed.

[5] Mr Drake for the applicant submits that the Court is functus officio and accordingly there is no basis for a request for costs to now be made.

[6] I do not accept the submission that the Court is functus officio on costs. The Court has dealt with an application to have the matter transferred to the Court following the Authority's decision rejecting a similar application made there. I note that the Authority reserved the issue of costs in its decision. The substantive claim is now to be heard by the Authority.

[7] Costs in respect of the application to this Court are reserved. If the parties are unable to resolve the matter between them then, as proposed by Ms Muir in her memorandum, the respondent is to file a memorandum in relation to costs by 24 May

2013 and the applicant is to file a memorandum in answer by 7 June 2013. The

Court will then consider the matter further.

M E Perkins

Judge

Judgment signed at 2 pm on 9 May 2013

[\[1\] \[2013\] NZEmpC 66.](#)

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