



case involving (i) third party witnesses, (ii) the need for information, and (iii) Calderbank letters made to attempt to settle and ideally to save costs. The costs associated with the Calderbank offers have been referred to, thus the way the applicant has referred to the costs as 'pre and post Calderbank costs', including costs at the time. Costs are assessed for the applicant in the usual way, as she was successful, and the Calderbank matters have little if any relevance. I note that the 1 March 2013 Calderbank offer (a total of \$21,000) was for more than the outcome in the Authority's determination (\$19,128). And the respondent itself has correctly and properly not relied on a counter offer to the Calderbank letter, because it came in well under the amounts ordered by the Authority. I am satisfied that there have been costs incurred by the applicant. The matter was of a standard type, except there needed to be a preliminary investigation meeting to obtain evidence from summonsed witnesses. This meeting lasted a half day. As it transpired the evidence from the witnesses was useful and it may not have come out in as much detail from the respondent's own witnesses. A full day was scheduled for the substantive investigation meeting, and much of the day was used. Both parties incurred costs for travel and arrangements to attend the Authority's investigation in Wellington. The arrangements were made to save costs for both parties and balances out, I hold. Moreover, costs could have been saved on travel and accommodation with the use of Wellington based representatives, but the parties chose to continue with their own representatives. There would have still been costs of the same nature if the hearing had been held in the place where the applicant had worked from. Therefore, I have decided not to award the travel and accommodation disbursements, except for the filing fee and service fees.

[4] For preparation and attendances I award the applicant \$7,000 based on the notional daily tariff to cover all contingencies over the two days, plus the \$71.56 filing fee and \$480 for services for summonsed witnesses.

### **Orders of the Authority**

[5] Workforce Development Limited is to pay Lynda Hill \$7,000 costs plus \$71.56 filing fee and \$480 service fees.

P R Stapp  
Member of the Employment Relations Authority