

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA Auckland 408
5399870

BETWEEN RONGOMAI HOKIANGA
Applicant

AND ARMOURGUARD SECURITY
LIMITED
Respondent

Member of Authority: R A Monaghan

Representatives: R Hokianga in person
A Bennett, counsel for respondent

Memoranda received: 16 August 2013 from respondent

Determination: 10 September 2013

COSTS DETERMINATION OF THE AUTHORITY

A. Rongomai Hokianga is ordered to contribute to Armourguard Security Limited's costs in the sum of \$1,750.

[1] In a determination dated 22 July 2013 I found Mr Hokianga's dismissal was justified.

[2] Costs were reserved.

[3] Counsel for Armourguard Security Limited (Armourguard) has sought a contribution to costs in the sum of \$6,000. She relied on the principles in *PBO Limited (formerly Rush Security Limited) v da Cruz*¹ and the notional daily rate in the Authority of \$3,500. She pointed out that the half-day investigation meeting and subsequent resumption should be regarded as a full day's investigation for that

¹ [2005] 1 ERNZ 808

purpose. She also said the rate should be adjusted upwards to reflect Mr Hokianga's conduct of the matter.

[4] Mr Hokianga has not responded.

Order for costs

[5] Armourguard was the successful party and is entitled to a contribution to its costs. The time required for the resumption of the investigation meeting was short, so that I regard one half day as the appropriate hearing time. Applying the notional daily rate, the starting point for any award of costs is \$1,750.

[6] Mr Hokianga's conduct of the matter does not require an adjustment.

[7] Mr Hokianga is therefore ordered to contribute to Armourguard's costs in the sum of \$1,750.

R A Monaghan

Member of the Employment Relations Authority