



New Zealand Employment Relations Authority Decisions

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Kruthoffer v DRK Chartered Accountants Limited [2011] NZERA 264; [2011] NZERA Auckland 187 (6 May 2011)

Last Updated: 19 May 2011

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2011] NZERA Auckland 187 5311941

BETWEEN GERDA KRUTHOFFER

Applicant

AND DRK CHARTERED

ACCOUNTANTS LTD Respondent
Representatives: Warren Simpson,

Counsel for the Applicant

Peter Tatham, Counsel for the Respondent

Member of Authority: Eleanor Robinson

Determination: 06 May 2011

COSTS DETERMINATION OF THE AUTHORITY

[1] By determination [2011] NZERA Auckland 108 the Authority found that the Applicant, Mrs Gerda Kruthoffer, had been unjustifiably disadvantaged in her employment with the Respondent, DRK Chartered Accountants Ltd ("DRK"). In that determination costs were reserved in the hope that the parties would be able to settle this issue between themselves. However the parties have submitted the matter to the Authority for determination.

[2] The matter involved 1 day of meeting time. The principles applicable to awards of costs in the Authority are well established. It is a principle set out in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*^[1] that costs are modest. A tariff based approach is that usually adopted by the Authority, which has the discretion to raise or lower the tariff, depending on the circumstances. For a 1 day Investigation Meeting this would normally equate to an award of \$3,000.00.

[3] Mr Warren on behalf of Mrs Kruthoffer is seeking a contribution to costs of \$3,000.00. Mr Tatham for DRK is in agreement with this level of award.

[4] Accordingly, DRK is ordered to pay Mrs Kruthoffer \$3,000.00 costs, pursuant to clause 15 of Schedule 2 of the [Employment Relations Act 2000](#).

[5] Mrs Kruthoffer wishes to recover the \$71.56 filing fee paid on her application. DRK is ordered to pay that amount of \$71.56 in addition to the costs award.

Eleanor Robinson

Member of the Employment Relations Authority

[1] [2005] NZEmpC 144; [2005] 1 ERNZ 808
