

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2017] NZERA Auckland 224
3002512

BETWEEN A LABOUR INSPECTOR OF
 THE MINISTRY OF
 BUSINESS, INNOVATION
 AND EMPLOYMENT
 Applicant

A N D CHEAP DEALS ON WHEELS
 LIMITED
 Respondent

Member of Authority: Anna Fitzgibbon

Representatives: Sarah Blick, Counsel for Applicant
 Ray Harris, Advocate for Respondent

Submissions Received: 17 July 2017 from Applicant
 19 July 2017 from Respondent

Date of Determination: 28 July 2017

**COSTS DETERMINATION OF THE
EMPLOYMENT RELATIONS AUTHORITY**

A. Cheap Deals on Wheels Limited (Cheap Deals) is ordered to contribute \$3,053.56 towards the costs and expenses of the Labour Inspector.

The substantive determination

[1] In a written determination of the Authority dated 4 July 2017¹, the Authority determined that Cheap Deals had breached various provisions of the Employment Relations Act 2000 (ERA), the Holidays Act 2003 (HA) and the Minimum Wage Act

¹ [2017] NZERA Auckland 196

1983 (MWA) and that it was liable for penalties in respect of such breaches and also for wages and holiday pay owing in respect of affected employees.

[2] The investigation of this matter and the matter involving Direct Auto Importers Limited (DAIL), the respondent in another matter (3002511), were heard contemporaneously and took two full days in the Authority. As set out in the DAIL determination, the daily tariff for costs in the Authority is now \$4,500 for the first day of an investigation meeting and \$3,500 for the second day and each day thereafter.

[3] I take the approach that the daily tariff for the first and second day should be spread between Cheap Deals and DAIL. The total daily tariff for 2 days amounts to \$8,000.

[4] A determination as to costs has been issued in respect of DAIL. DAIL was ordered to contribute costs in the sum of \$3,851.56².

[5] The principles applying to costs and in particular to this matter are set out in the DAIL costs determination and there is no need for them to be repeated in this determination.

[6] Counsel for the Labour Inspector filed a memorandum as to costs on 17 July 2017 and the representative for Cheap Deals filed a memorandum in response on 19 July 2017. The memoranda dealt with costs in respect of both Cheap Deals and DAIL.

[7] Counsel for the Labour Inspector seeks costs based on the Authority's notional daily tariff in respect of Cheap Deals. The investigation involving Cheap Deals was less involved and took less time than the DAIL investigation.

[8] Counsel for the Labour Inspector seeks costs of \$2,900 together with the filing fee of \$71.56, travel expenses of \$77.00 and a meal allowance of \$5.00. The total sought amounts to \$3,053.56.

[9] The representative for Cheap Deals relies on the same submissions made in respect of DAIL in support of a reduced level of costs in respect of Cheap Deals. I have taken the submissions into account.

² [2017] NZERA Auckland 223

[10] Cheap Deals is ordered to pay the Labour Inspector the sum of \$3,053.56 in costs and expenses pursuant to clause 15 of Schedule 2 of the ERA. Cheap Deals is to make payment to the Labour Inspector of costs within 21 days of the date of this determination.

Anna Fitzgibbon
Member of the Employment Relations Authority