



Employment Court of New Zealand

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Laing v Walker [2014] NZEmpC 161 (5 September 2014)

Last Updated: 15 September 2014

IN THE EMPLOYMENT COURT CHRISTCHURCH

[\[2014\] NZEmpC 161](#)

CRC 53/13

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority

BETWEEN STEPHEN LAING Plaintiff

AND LIQUID FRANKTON LIMITED Second
Plaintiff

AND LIQUID GROUP HOLDINGS LIMITED
Third Plaintiff

AND MT ROSA ESTATE LIMITED Fourth
Plaintiff

AND JOHN GRANT WALKER Defendant

Hearing: (on the papers by documents dated 8 and 22 August
2014)

Judgment: 5 September 2014

COSTS JUDGMENT OF JUDGE B A CORKILL

[1] In a judgment of 7 August 2014, the challenge herein was dismissed.¹ Costs were reserved on the basis they should follow the event.²

[2] Mr Walker, the defendant, has filed an application for costs covering what he describes as stress, humiliation, loss of dignity and injury to feelings in the sum of

\$30,000, occasioned by Mr Laing's actions; and costs in relation to Mr Walker's time

¹ *Laing v Walker* [2014] NZEmpC 145.

² At [17].

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in undertaking research, complying with Court minutes and directions, and for attending a Court-directed mediation. A sum of \$3,000 is sought for those costs; a travel disbursement with regard to the mediation (which the first plaintiff, Mr Laing, did not attend) is also sought in the sum of \$88.04.

[3] Mr Laing opposes the application, making various statements to the effect that they are unmerited.

[4] The jurisdiction of the Court to award compensation for humiliation, loss of dignity and injury to feelings arises under [s 123\(1\)\(c\)\(i\)](#)

of the [Employment Relations Act 2000](#), and can be awarded only if an employee establishes a personal grievance. As indicated in my decision of 7 August 2014, the Court does not in this challenge have jurisdiction to determine Mr Walker's grievance.³

[5] Turning to the claim for costs in the proceeding, Mr Walker was not represented by a lawyer or advocate. In *Murphy & Routhan (t/a Enzo's Pizza) v Van Beck*, Chief Judge Goddard stated that costs are not normally awarded to unrepresented litigants because they have not incurred costs in the sense in which the term is conventionally used, namely the payment of costs to a lawyer or professional advocate. Actual expenses can be reimbursed, including for executive time.⁴

[6] I am not satisfied that there is a proper basis for awarding costs for executive time; however I am in the circumstances prepared to allow the disbursement incurred for attending a mediation which Mr Laing did not attend.

[7] The first plaintiff is ordered to pay the defendant the sum of \$88.04.

B A Corkill

Judge

Judgment signed at 11.00 am on 5 September 2014

³ At [18].

⁴ *Murphy & Routhan (t/a ENZO's Pizza) v Van Beck* [1998] NZEmpC 96; [1998] 2 ERNZ 607 (EmpC) at 622. And see

Commissioner of Police v Campbell [2000] NZCA 164; [2000] 1 ERNZ 432 (CA) at [20].

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