

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2016] NZERA Auckland 305  
5547066

BETWEEN

MEENA LAL  
Applicant

A N D

THE WAREHOUSE LIMITED  
Respondent

Member of Authority: T G Tetitaha

Representatives: S Greening, Counsel for Applicant  
M McGoldrick, Counsel for Respondent

Investigation Meeting: On the papers

Submissions Received: 24 March 2016 from Respondent only

Date of Determination: 9 September 2016

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**COSTS DETERMINATION OF THE AUTHORITY**

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- A. Meena Lal is ordered to pay The Warehouse Limited \$5,250.00 towards its actual legal costs.**

**Employment relationship problem**

[1] The Authority in its substantive determination dated 10 March 2016<sup>1</sup> dismissed the personal grievance application. Costs were reserved.

[2] The respondent now applies for costs. Its actual costs were \$20,762.50. It seeks \$7,000 based upon two days hearing time at the Authority's daily notional tariff of \$3,500.

[3] The correct approach to assessing costs in this matter is for the Authority to adopt its usual notional daily tariff based approach to costs.<sup>2</sup> The current notional

daily tariff is \$3,500. This matter involved a one and a half day investigation meeting. The starting point for assessing costs is therefore \$5,250.

**Are there any factors that warrant adjusting the notional daily tariff?**

*Factors which warrant a reduction in the notional daily tariff*

[4] The respondent seeks an increase in the daily notional tariff to reflect the later filing of submissions.

[5] The tariff is intended to include all matters involved in preparation for the hearing time allocated. No further uplift is warranted.

[6] There are no factors warranting any decrease in tariff.

**Outcome**

[7] Meena Lal is ordered to pay The Warehouse Limited \$5,250.00 towards its actual legal costs.

[8] I have issued this determination outside the statutory period of three months after receiving the last submissions from the parties. I record that the Chief of the Authority has decided under section 174C(4) of the Employment Relations Act 2000 (the Act) that exceptional circumstances existed for providing this written determination of findings later than the latest date specified in s 174C(3) of the Act.

**TG Tetitaha**  
**Member of the Employment Relations Authority**