

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2013] NZERA Christchurch 220
5360718

BETWEEN

ANDREA LARSEN
Applicant

A N D

STEVEN AND SHARLENE
TERRY, TERRY FAMILY
PARTNERSHIP t/a
DRIFTER'S CAFE
Respondent

Member of Authority: M B Loftus

Representatives: Eymard Bradley, Counsel for Applicant
Peter van Keulen, Counsel for Respondent

Submissions Received: 24 September 2013 from Applicant
Nil from Respondent

Date of Determination: 22 October 2013

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] On 30 August 2013 I issued a determination concluding Ms Larsen had a personal grievance in that she was unjustifiably dismissed. Costs were reserved.

[2] Ms Larsen's costs, including disbursements, totalled \$4,050.00 and as the successful party she now seeks an unspecified contribution toward that amount.

[3] There is no response as Mr van Keulen advises he is unable to get any instructions from his clients.

[4] Normally the Authority will use a daily tariff approach when addressing a costs claim (refer *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] ERNZ

808). The normal starting point is \$3,500 per day and from there adjustment may be made depending on the circumstances.

[5] The hearing took approximately two thirds of a day which would, applying the above formula and some rounding, mean a contribution in the order of \$2,400.

[6] It is well accepted costs follow the event and in the absence of an argument as to why I should depart from the normal daily tariff, I choose to apply it.

[7] I therefore order the respondents, Steven and Sharlene Terry, to pay the applicant, Ms Andrea Larsen, \$2,400.00 (two thousand, four hundred dollars) as a contribution toward costs.

M B Loftus
Member of the Employment Relations Authority