

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
OFFICE**

[2013] NZERA Christchurch 120  
5374352

BETWEEN                      ANNETTE MANSON  
Applicant

AND                              MAPLES LIFECARE (2005)  
LIMITED  
Respondent

Member of Authority:        Christine Hickey

Representatives:             Anna Oberndorfer, advocate for Applicant  
Linda Ryder, counsel for Respondent

Submissions received:       From the applicant on 31 May 2013  
From the respondent on 7 June 2013

Determination:                24 June 2013

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**COSTS DETERMINATION OF THE AUTHORITY**

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**Maples Lifecare (2005) Limited to pay Annette Manson \$1,400 in costs  
and \$71.56 for the filing fee.**

- [1]     I have received submissions on costs from both parties.
- [2]     In the respondent's submissions at paragraphs 15 to 21, the respondent's counsel raises issues which suggest that the respondent disagrees with the Authority's substantive decision issued on 6 May 2013.
- [3]     I do not consider the matters raised are appropriately addressed through a decision on costs.
- [4]     As far as I am aware the respondent has not challenged the decision through the Employment Court. The respondent has not applied to the Authority to reopen the matter. Therefore, I put those matters aside in determining costs.

[5] The applicant has applied for full costs of \$2,486.25 exclusive of GST.

[6] The respondent submits that it should receive costs from the applicant or alternatively if I award costs to the applicant they should be no more than \$1,750 reflecting that the investigation meeting took half a day.

[7] The Authority's jurisdiction to make costs orders is found in clause 15 of Schedule 2 of the Act. Costs are at the discretion of the Authority.

[8] Each case is to be treated in light of its own circumstances. The primary purpose of costs is to compensate the successful party.

[9] The principles and the approach adopted by the Authority on which an award of costs is made are well settled and were outlined in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*<sup>1</sup> a judgment of the Full Court of the Employment Court. The Court in the *Da Cruz* case also noted that in exercising its discretion the Authority frequently judges costs against a notional daily hearing rate. That notional rate is currently \$3,500 per day.

[10] Costs must be reasonable and costs awards are generally modest.

[11] In this case, despite the respondent's misgivings, Ms Manson was the successful party and is entitled to a modest contribution towards her costs.

[12] This case was not complex one and there are no factors suggest that I should move upwards from a daily tariff approach as suggested by the applicant.

[13] Therefore, I consider that the respondent should pay the applicant \$1,400 to reflect that the matter took less than half a day to hear. The respondent should also reimburse the applicant for the \$71.56 filing fee.

Christine Hickey  
Member of the Employment Relations Authority

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<sup>1</sup> [2005] ERNZ 808