

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2015] NZERA Auckland 120  
5468886

BETWEEN                      MATTHEW MAYSON  
Applicant

A N D                              GOLDEN GUN (2007)  
LIMITED  
Respondent

Member of Authority:      James Crichton

Representatives:            Gregory Bennett, Advocate for the Applicant  
John Gandy, Counsel for the Respondent

Submissions received:      9 April 2015 from the Applicant  
20 April 2015 from the Respondent

Date of Determination:     30 April 2015

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**COSTS DETERMINATION OF THE AUTHORITY**

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**The substantive determination**

[1]     In my determination on the substantive merits of this matter issued as [2015] NZERA Auckland 69, I found for the applicant (Mr Mayson) and reserved costs.

**The claim for costs**

[2]     Mr Mayson seeks a contribution to his reasonably incurred costs in the sum of \$2,500.

[3]     It is accepted for Mr Mayson that the investigation meeting was dealt with in a half day and on that basis it is accepted that, using the Authority's habitual daily tariff rate, a starting point would be \$1,750.

[4]     The basis of the uplift by \$750 is the allegation that the way in which the respondent (Golden Gun) defended its position materially increased the costs. Particularly, it is suggested for Mr Mayson that much of Golden Gun's defence of its

position was completely untenable but of course each of the issues raised by Golden Gun had to be responded to by Mr Mayson.

### **The response**

[5] Golden Gun says that the appropriate contribution it should make to Mr Mayson's costs is in the sum of \$1,750, that is the strict application of the daily tariff rate for a half day hearing without uplift.

[6] Golden Gun does not accept the allegations made for Mr Mayson that any uplift is justified.

### **Determination**

[7] The principles the Authority must apply in fixing costs are well settled and need not be recited again here. The issue between these parties amounts to the simple question whether Mr Mayson has satisfactorily demonstrated or not that an uplift of \$750 should apply.

[8] I am satisfied on the basis of the submissions I have considered that no uplift is warranted.

[9] I think the matter was straightforward, it was well argued by both of the representatives, and I am not persuaded that Golden Gun persevered with arguments which created unnecessary work for Mr Mayson's advocate.

[10] I accept that Mr Mayson's advocate filed extensive and well-argued submissions but that is what the Authority is entitled to expect and the arguments presented by Golden Gun were the arguments I would have expected to be advanced, given the factual matrix as I found it.

[11] Golden Gun is directed to pay to Mr Mayson the sum of \$1,750 as a contribution to his costs in this proceeding.

James Crichton  
Member of the Employment Relations Authority