

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2013] NZERA Auckland 203  
5391577

BETWEEN ANITA MENZIES  
Applicant  
AND SAFARI GROUP LIMITED  
Respondent

Member of Authority: R A Monaghan  
Representatives: R Pool, counsel for applicant  
I Pitham, advocate for respondent  
Memoranda received: 1 May 2013 from applicant  
Determination: 21 May 2013

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**COSTS DETERMINATION OF THE AUTHORITY**

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**A. The respondent is ordered to contribute to the applicant's costs in the sum of \$2,000, plus the filing fee of \$71.56.**

[1] In a determination dated 3 April 2013 I found Mrs Menzies was dismissed unjustifiably. Costs were reserved.

[2] Mrs Menzies has sought a contribution to her costs in the sum of \$3,500. Safari Group Limited indicated in a communication to Mr Pool that it is unwilling to pay any costs because the decision to seek legal assistance was Mrs Menzies', and she should bear the cost.

[3] Mrs Menzies was entitled to instruct a lawyer, and as the successful party in this matter she is entitled to a contribution to the costs incurred in obtaining a determination of her personal grievance. The way in which the contribution is calculated in the Authority is based on the principles in *PBO Limited (formerly Rush*

*Security Limited) v da Cruz.*<sup>1</sup> In general the principles support payment with reference to a notional daily rate, which is currently \$3,500 and can be adjusted upwards or downwards depending on the circumstances of the case.

[4] There is no reason here to make an adjustment. The investigation meeting lasted a little over one half day, and a contribution of \$2,000 is appropriate. Payment is ordered accordingly.

[5] Mrs Menzies is also entitled to the reimbursement of her filing fee of \$71.56. Again payment is ordered accordingly.

R A Monaghan

Member of the Employment Relations Authority

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