

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 365A/09  
5131077

BETWEEN                      WILSON MINHINNICK  
Applicant

AND                              NEW ZEALAND STEEL  
LIMITED  
Respondent

Member of Authority:      Robin Arthur

Representatives:           Paul Wicks for Applicant  
Philip Skelton for Respondent

Submissions:                10 November 2009 from Applicant and 27 November  
2009 from Respondent

Determination:              3 December 2009

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] By determination AA 365/09 (13 October 2009) the Authority declined the personal grievance application of Wilson Minhinnick about his dismissal by New Zealand Steel Limited (NZSL).

[2] Costs were reserved. The parties were unable to resolve costs between themselves and have lodged memoranda for the Authority to consider in determining costs.

[3] NZSL seeks an award of \$5000 as a reasonable contribution to its costs for the two day investigation – an amount within the range of the notional daily tariff of up to \$3000 a day routinely applied in the Authority and that, counsel says, is well below NZSL's actual legal costs in this matter.

[4] I decline Mr Minhinnick's proposal for costs on the Authority investigation to be left for the Employment Court to set once it has decided the challenge to the

Authority's determination that he has filed in the Court (ARC 91/09). The usual step is for the Authority to determine costs on its investigation so that the whole matter is before the Court when deciding the challenge.

[5] I accept \$5000 would be a reasonable contribution to costs reasonably incurred in preparation for and participation in the two-day Authority investigation. It would be awarded but for Mr Minhinnick's affidavit as to his personal financial circumstances. He has not had full-time work since his dismissal and at the age of 57 is finding it difficult to get work in the current economic climate. His household largely relies on his wife's modest salary to meet mortgage commitments and family living costs which include care of a daughter wheelchair bound following an accident.

[6] While costs must follow the event of NZSL's success in the Authority, the award of costs is limited to \$1000 in the particular circumstances of this case.

Robin Arthur  
Member of the Employment Relations Authority