

BETWEEN

KAY PRIDMORE
Applicant

AND

GO BUS TRANSPORT LIMITED
Respondent

Member of Authority: Eleanor Robinson

Representatives: Rachel Rolston, Advocate for Applicant
Jaime Bright, Counsel for Respondent

Submissions received: 5 August 2013 from Applicant
11 July 2013 from Respondent

Determination: 6 August 2013

COSTS DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

1. In a determination dated 24 June 2013 ([2013] NZERA Auckland 266), the Authority found that Ms Pridmore had not been unjustifiably disadvantaged by the Respondent, Go Bus Transport Limited (Go Bus).
2. In that determination costs were reserved in the hope that the parties would be able to settle this issue between themselves. Unfortunately they have been unable to do so, and both parties have filed submissions in respect of costs.
3. This matter involved one day of an Investigation Meeting, with written submissions being submitted subsequent to that. Ms Bright for Go Bus is seeking a contribution towards costs in the sum of \$3,500.00.
4. The principles applicable to awards of costs in the Authority are well established. It is a principle set out in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*¹ (“*Da Cruz*”) that costs are modest. A tariff based approach is that usually adopted by the Authority, which has the discretion to raise or lower the tariff, depending on the circumstances. The Investigation Meeting lasted one day. For a day of Investigation

¹ [2005] 1 ERNZ 808

Meeting this would normally equate at the notional daily rate to an award of \$3,500.00.

5. Ms Rolston for Ms Pridmore submits that whilst Ms Pridmore is willing to pay a costs award at the notional daily rate, she has limited financial means and requests that she be allowed to make payment of the sum awarded by way of instalments.
6. Having regard to the discretionary exercise of awarding costs, I consider that a costs award at the notional daily rate is appropriate. Accordingly Ms Pridmore is ordered to pay Go Bus \$3,500.00 costs pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000.
7. It is not appropriate for the Authority to impose hardship upon an unsuccessful party to proceedings and I note that Ms Pridmore requests that an arrangement be made for her to pay the costs by way of instalments over several months.
8. I anticipate that the parties will be able to reach an agreement on an appropriate level of instalment payments; however leave is reserved for the parties to revert to the Authority for future orders if such arrangements are sought and cannot be agreed.

Eleanor Robinson
Member of the Employment Relations Authority