

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Mark Peter Reid (Applicant)
AND Adventure Education Ltd (Respondent)
REPRESENTATIVES Mark Peter Reid, In person
Ani Bennett, Counsel for Respondent
MEMBER OF AUTHORITY Ken Anderson
SUBMISSIONS RECEIVED 3 June 2005
DATE OF DETERMINATION 1 August 2005

DETERMINATION OF THE AUTHORITY AS TO COSTS

The substantive matter, an alleged personal grievance, was determined on 18 April 2005. The Applicant was unsuccessful with his claims. The Respondent was successful with a counter-claim. The parties have not been able to reach a resolution on the matter of costs. I have perused the costs submissions presented for the Respondent. There are no submissions from the Applicant.

The submissions for the Respondent are that the total costs incurred were approximately \$9,800 and an award of \$2,500 is sought. The Authority is referred to *Harwood v Next Homes Limited [2003] 2 ERNZ 433* and *Graham v Airways Corporation of New Zealand Limited unreported, AA 39/04, 28 January 2004, Member Dumbleton*, and in particular, the approach used by the Authority to assess a reasonable award of costs in *Graham*.

In this case, the matter was comfortably heard in less than a day, but allowing for 8 hours and a multiplier of 1.5 (the preparation required was not extensive), a total time of 12 hours is arrived at. Allowing for the hourly rate of Counsel in this matter of \$230, a figure of \$2,760 is produced. The Respondent seeks an award of \$2,500 and based on the above calculations, I find that an award of this figure is appropriate.

Mr Reid is ordered to pay to Adventure Education Training Limited the sum of \$2,500.00 as a contribution to the costs incurred.

Ken Anderson
Member
Employment Relations Authority