

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

[2012] NZERA Wellington 56  
5331239

BETWEEN RESTAURANT BRANDS  
LIMITED  
Applicant

AND LEONARD BOND  
Respondent

Member of Authority: P R Stapp

Submissions received by: 7 May 2012

Determination: 29 May 2012

---

**COSTS DETERMINATION OF THE AUTHORITY**

---

**Employment Relationship Problem**

[1] Costs were reserved. Restaurant Brands is seeking costs. There has been no reply from Mr Bond through his representative.

[2] Restaurant Brands has asked for the full amount of costs and disbursements in the sum of \$10,000. It also has asked for witness expenses involving travel to Wellington and the filing fee. No costs are claimed in relation to mediation. I am satisfied that the costs claimed are separate to costs awarded previously by the Authority as special damages. This application relates to the conduct and hearing.

[3] The influences on costs it has submitted are:

- i. Preparation of the statement of problem, a reply, witness statements, closing submissions and replies
- ii. Attendances for telephone conferences and the investigation meeting

## iii. Travel to Wellington

**Issues**

[4] How much is Restaurant Brands entitled to for costs?

**Determination**

[5] Restaurant Brands was successful. Therefore costs follow the event. I am satisfied that Restaurant Brands has incurred costs relating to the Authority's investigation. In this regard the principles applied are those set out in *P B O Limited (formerly Rush Security Ltd) v Da Cruz* [2005] ERNZ 808. There was nothing exceptional about the employment relationship problem to depart from this approach. As such the notional daily tariff of \$3,500 is the starting point. Although Restaurant Brand's costs exceeded that amount I am not satisfied that the amount of the tariff should be any more. All the influences relate to the standard investigation procedure. This must include the arrangement for the attendance of witnesses and the choice to use Counsel from Auckland instead of Wellington and to save costs. The notional daily tariff includes the preparation and the disbursements, except for the filing fee.

**Orders of the Authority**

[6] Leonard Bond is required to pay \$3,500 contribution to Restaurant Brands Limit's costs. In addition Mr Bond is required to pay the \$71.56 filing fee.

P R Stapp  
Member of the Employment Relations Authority