

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 516
5330026

BETWEEN NEIL WILLIAM
 ROBERTSON
 Applicant

AND IRVINE HOSKIN
 Respondent

Member of Authority: K J Anderson

Representatives: David Hayes, Counsel for Applicant
 Irvine Hoskin, In Person

Submissions Received: 17 October 2011 for Applicant
 Nil for Respondent

Determination: 6 December 2011

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination issued on 21st September 2011,¹ the Authority determined that Mr Robertson had a personal grievance and was entitled to certain remedies. The parties were invited to resolve the matter of an appropriate contribution by Mr Hoskin to the costs incurred by Mr Robertson; as the successful party. A resolution has not been reached and the Authority is now left to determine the matter of costs. Submissions have been received from Mr Robertson but none from Mr Hoskin.

[2] Mr Robertson accepts that the total hearing time for the two short investigation meetings was the equivalent of a half day, for the purposes of a tariff based calculation, but he says that given that Mr Hoskin failed to participate in the due process (including mediations) and not being available for the first investigation meeting; then an award of costs in the sum of \$2,500 is appropriate.

¹ [2011] NZERA Auckland 415

[3] While it is true that Mr Hoskin was reluctant to actively participate in the due process entirely, I do not accept that this particularly created the additional costs sought by Mr Robertson, particularly given that I am prepared to calculate an award of costs on the basis of a total hearing time of half a day, albeit the reality is that it was somewhat less than that. However, I accept that Mr Robertson and his lawyer had to make themselves available at two investigation meetings when only one would have been required, had Mr Hoskin been more forthcoming with his communication with the Authority.

[4] Taking all of the circumstances into account, I conclude that an award of \$1,800 is appropriate.

Determination

[5] Mr Hoskin is ordered to pay to Mr Robertson the sum of \$1,800.00 as a contribution to the costs incurred.

K J Anderson
Member of the Employment Relations Authority