

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 135/10
5151564

BETWEEN BEVERLY STOCKMAN
 Applicant

AND PROTECTIVE PAINTS
 LIMITED
 Respondent

Member of Authority: Dzintra King

Submissions received: No submissions from Applicant
 3 February 2010 from Respondent

Determination: 24 March 2010

COSTS DETERMINATION OF THE AUTHORITY

[1] The applicant, Ms Beverly Stockman, was unsuccessful in her claim that she had become an employee of Paint and Decor Limited and that she was unjustifiably constructively dismissed by the respondent, Protective Paints Limited. The parties have been unable to agree costs. The respondent now seeks costs.

[2] The criteria for awards of costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808.

[3] The respondent incurred costs of \$8,988.19 inclusive of GST and disbursements.

[4] The hearing lasted a full day. The respondent submits that in reality the time involved was a day and a half and therefore seeks an award of \$4,500.

[5] I have considered whether there is good reason to increase the costs above the \$3,000 per day tariff base. I cannot ascertain any.

[6] The applicant is to pay the respondent \$3,000 plus disbursements, which total \$110 for typing services.

Dzintra King

Member of the Employment Relations Authority