

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI
TE WHANGANUI-Ā-TARA ROHE**

[2024] NZERA 418
3212279

BETWEEN

RICK TASKER
Applicant

AND

PARKERS BEVERAGE
COMPANY LIMITED
Respondent

Member of Authority: Rowan Anderson

Representatives: Alex Kersjes, advocate for the Applicant
No appearance for the Respondent

Investigation Meeting: On the papers

Submissions received: 18 June 2024 from the Applicant
None from the Respondent

Determination: 12 July 2024

COSTS DETERMINATION OF THE AUTHORITY

[1] On 24 May 2024, a determination¹ was issued in which I found that Rick Tasker was unjustifiably dismissed from his employment by Parkers Beverage Company Limited (PBCL) and was entitled to remedies.

[2] Costs were reserved. The parties have not been able to agree on costs, and Mr Tasker now asks the Authority for orders as to the costs he incurred in pursuing his claims against PBCL.

[3] Mr Tasker seeks a total contribution towards his costs of \$6,750 and reimbursement of the filing fee of \$71.55. Mr Tasker provided a breakdown of costs with the total costs incurred amounting to \$14,544.69.

¹ *Rick Tasker v Parkers Beverage Company Limited* [2024] NZERA 307.

[4] No submissions were received from PBCL as to the issue of costs.

Costs principles

[5] The Authority has discretion to award costs, may order any party to pay costs and expenses as it thinks reasonable, and may apportion such costs and expenses between the parties as it thinks fit.²

[6] The daily tariff is usually taken as a starting point,³ although not used in a rigid manner, with principled adjustments made having regard to the particular characteristics of a case.

Consideration

[7] Mr Tasker was successful in pursuing his claims and it is appropriate that costs follow the event in this matter. However, he is not entitled to the full costs incurred and costs are not sought on that basis.

[8] The substantive proceeding involved an investigation meeting in Napier on 4 April 2024. An earlier scheduled investigation meeting was adjourned, at its commencement, following receipt of advice that PBCL had been placed into voluntary administration. The investigation meeting did not consume the entirety of the day and I consider the appropriate starting point for daily tariff approach would see a contribution of \$2,250 (half of the \$4,500 tariff for the first day of any investigation meeting).

[9] Mr Tasker seeks an uplift from the daily tariff on the basis of PBCL's failure to comply with directions of the Authority and to engage with the Authority's investigation. Mr Tasker submitted that costs were increased as a result, including having regard to what was said to be inadequate communication relating to a period of voluntary administration of PBCL.

[10] I not satisfied that any conduct by PBCL resulted in increased costs in any significant way such as would warrant an uplift. Such as any claim is made relating to the voluntary administration, I am not satisfied that such costs should properly be taken into account. Further, such as it was submitted that further expense was incurred

² Employment Relations Act 2000, Schedule 2, clause 15.

³ Employment Relations Authority Practice Direction, August 2023, <https://www.era.govt.nz/assets/Uploads/practice-direction-of-era.pdf>

relating to the monitoring of the 'receivership' I am not satisfied that those expenses are properly claimable.

[11] Mr Tasker is entitled to reimbursement of the filing fee.

Order

[12] I order Parkers Beverage Company Limited to pay Rick Tasker, within 28 days, the sum of \$2,250.00 as a contribution towards the costs he incurred in pursuing his claims and \$71.55 as reimbursement of the filing fee.

Rowan Anderson
Member of the Employment Relations Authority