

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2011] NZERA Auckland 246  
5324950

BETWEEN	GINNAYA TURNER Applicant
AND	THE STONNE TRUST First Respondent
AND	COLUMBARD LIMITED Second Respondent

Member of Authority:	Robin Arthur
Representatives:	Applicant in person Peter Hill for the Respondents
Submissions:	16 May 2011 from Applicant. None from Respondents
Determination:	9 June 2011

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] Authority determination [2011] NZERA Auckland 192, issued on 10 May 2011, found Ginnaya Turner was employed by the Stonne Trust and ordered the Trust to pay money due to her as salary and interest.

[2] No order for costs was made and Ms Turner has applied to the Authority for a costs award. The Trust was given an opportunity to respond to her application but did not do so.

[3] Ms Turner represented herself at the two investigation meetings held by the Authority about her salary arrears claim but has provided an invoice from an employment advocate showing she incurred costs of \$2300 in seeking advice and assistance in bringing her employment relationship problem to the Authority for determination. An order for costs may be made in relation to those expenses.

[4] Costs in this matter may be set according to a usual daily tariff after considering any factors in the particular circumstances of the case requiring an adjustment up or down: *PBO Ltd v Da Cruz* [2005] 1 ERNZ 808.

[5] In total the two investigation meetings took around half a day. On the basis of a notional daily rate of \$3000, this would result in an order for costs of \$1500. I am satisfied this is the appropriate amount to award as a reasonable contribution to costs incurred by Ms Turner in bringing her successful application to the Authority.

[6] Under clause 15 of Schedule 2 of the Employment Relations Act 2000 I order the Stonne Trust to pay Ms Turner \$1500 as costs.

[7] As concluded in the Authority's earlier determination regarding the amounts of salary and interest due to Ms Turner, the liability for payments to her – which now includes costs – rests with the Stonne Trust, not its former corporate trustee, Stonne Limited (in liquidation) or its present corporate trustee, Blake Street Trustee Limited.

Robin Arthur  
Member of the Employment Relations Authority