

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2015] NZERA Christchurch 53  
5538765

BETWEEN            ARIE VOS  
                                 Applicant  
  
A N D                 SMART STUDIO LIMITED  
                                 Respondent

Member of Authority:     Helen Doyle  
  
Representatives:         Arie Vos, Applicant in person  
                                 Stephen Manning, Advocate for the Respondent  
  
Teleconferences:         27 March and 9 April 2015  
  
Date of Determination:    28 April 2015

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**COSTS DETERMINATION OF THE AUTHORITY**

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- A.     Smart Studio Limited is ordered to pay to Arie Vos the sum of \$300 being a contribution towards costs.**

**The application for costs**

[1]     Arie Vos lodged a statement of problem with the Authority on 22 January 2015. He sought payment of deductions from his wages of PAYE, KiwiSaver and student loan repayments onto the Inland Revenue Department (IRD). He also sought payment of outstanding holiday pay and payment of employer KiwiSaver contributions onto the IRD together with reimbursement of his filing fee.

[2]     Stephen Manning is the director of Smart Studio Limited. There was no dispute in the statement in reply lodged by the company about the claim.

[3] The Authority held two case management telephone conferences in relation to this matter. At the time of the first telephone conference Mr Vos advised that some payments had been attended to. Mr Vos told the Authority that he had incurred some fees in relation to the matter and wanted reimbursement of these. Prior to the second telephone conference Mr Vos provided the Authority and Mr Manning with a copy of an invoice for advice received between December 2014 and March 2015 in the sum of \$400 and he also claimed interest on outstanding money to the date of payment and reimbursement of the filing fee.

[4] Mr Manning advised that interest and reimbursement of the filing fee would be paid. Mr Manning did raise concerns about reimbursement of costs and it was agreed with the parties that the Authority would make a determination on the issue of reimbursement.

[5] Following the second telephone conference Mr Vos advised the Authority that all other payments had been attended to and therefore this determination is limited to the issue of costs.

### **Costs incurred**

[6] Mr Vos provided an invoice from Martin Cooney from whom he had received advice to assist him in resolving his issues of outstanding payments and passing deductions onto the IRD with Smart Studio Limited. The invoice provides that services were provided and Mr Vos was invoiced for four hours work at \$100 per hour, a total sum of \$400 GST inclusive. The nature of the work undertaken was described as emails, phone calls and meetings.

[7] Mr Manning expressed some concern about whether the advice was legal advice as such and queried the nature of assistance provided. Mr Vos explained that while he had prepared the statement of problem he had asked for Mr Cooney's advice about its content and that Mr Cooney had reviewed the application and assisted with the process. In the employment area many representatives are not legally qualified but have considerable experience in the area. The absence of a legal qualification does not prevent a claim for a contribution to costs for their services.

[8] Mr Vos' application to the Employment Relations Authority was very well set out and attached the relevant documentation to enable the Authority and Smart Studio Limited to understand the nature of the claim and the amounts involved.

**Determination**

[9] I am satisfied that Mr Vos did incur some cost to assist him in preparing his statement of problem. Mr Cooney's charge out rate is reasonable.

[10] I am satisfied that there should be some contribution by Smart Studio Limited towards this cost. This matter was ongoing for a considerable period before the statement of problem was lodged and if the payments had been made when the issue was initially raised there would have been no need for Mr Vos to have incurred any costs at all in relation to this matter. It is though unusual for a full award of costs to be made.

[11] I find a fair and reasonable contribution towards the costs incurred would be the sum of \$300.

[12] I order Smart Studio Limited to pay to Arie Vos the sum of \$300 being a contribution towards costs incurred in this matter.

Helen Doyle  
Member of the Employment Relations Authority