

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
ŌTAUTAHI ROHE**

[2019] NZERA 65
3028151

BETWEEN

RICK WHITFIELD
Applicant

AND

COFFEE DISTRIBUTORS LIMITED
Respondent

Member of Authority: Andrew Dallas

Representatives: James Puller and Sam Hider, counsel for the Applicant
Adam Gallagher, advocate for the Respondent

Submissions received 17 January 2019 for the Applicant
None received from the Respondent

Determination: 12 February 2019

COSTS DETERMINATION OF THE AUTHORITY

Introduction

[1] By determination issued on 12 December 2018, the Authority made findings and issued orders in respect of Rick Whitfield's employment relationship problem with Coffee Distributors Limited.

[2] Consistent with the usual course, the determination reserved costs but encouraged the parties to resolve that issue themselves. It advised the parties that if asked to determine costs, the Authority's assessment would be the applicable daily tariff of \$4500.

[3] In a memorandum on costs subsequently lodged Mr Whitfield sought an order for costs of \$6,500 plus disbursements of \$71.56, being the Authority's filing fee. He said he had incurred total costs of \$20,585.00 plus GST and the filing fee. No submissions were received from Coffee Distributors.

[4] Mr Whitfield said he should be awarded more than the daily tariff due to deficiencies in the way Coffee Distributors had conducted the litigation. He pointed to the need for an urgent case management conference the day prior to the investigation meeting to ensure the matter proceeded as scheduled, the unavailability of Coffee Distributors witnesses during parts of the investigation meeting, for reasons which were never fully explained, and the failure to produce relevant documentation despite being directed to do so by the Authority.

Result

[5] Having regard to all the circumstances of this matter and given the lack of comment from Coffee Distributors on Mr Whitfield's claim for costs, I have decided an uplift in the daily tariff to \$6,500 is appropriate. This must be paid to Mr Whitfield within 14 days of the date of this determination. It is also appropriate that Mr Whitfield be reimbursed the Authority's lodgement fee of \$71.56. This must also be paid to him within 14 days.

Andrew Dallas
Member of the Employment Relations Authority