

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2014] NZERA Wellington 90
5444730

BETWEEN JAMAL ZAYTOUN
Applicant

AND MOHAMMAD MUSTAFA
KHAN AND BIT
TECHNOLOGY LIMITED
Respondents

Member of Authority: P R Stapp

Representatives: Mr V R Jamieson Advocate for Applicant
Mr F J Handy Counsel for Respondent

Submissions received: By 28 August 2014

Determination: 22 September 2014

COSTS DETERMINATION OF THE AUTHORITY

[1] The Authority reserved costs in [2014] NZERA Wellington 80.

[2] The applicant, Mr Zaytoun is seeking the total of \$3,600 costs for a one day investigation meeting and preparation, plus \$1,380 for the cost of a forensic computer report. The total claim is \$4,980. This includes attending a preliminary meeting with the Authority on 28 March 2014 regarding evidence to be produced for the Authority's substantive investigation meeting.

[3] The respondent has asked for costs to be restricted to BIT Technology Limited, the correct employer party and disputes the cost of the forensic report. The sum of the daily tariff claimed has not been opposed.

Costs outcome

[4] I agree that costs follow the event and in this case the liability for costs rests with the respondent, BIT Technology Limited. The daily tariff is \$3,500, but the extras involved in the matter support the up lifting of the tariff in the very modest amount of \$100 for the total claim of \$3,600. The additional costs for the forensic report are included in the tariff because it played a small part in the investigation, involved inconclusive matters and was a residual issue considering the overall outcome.

Order of the Authority on costs

[5] BIT Technology Limited is required to pay \$3,600 costs to Mr Jamal Zaytoun.

P R Stapp
Member of the Authority