

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 305
5321857

BETWEEN JERZY ZIELINSKI
 Applicant

AND AUTOGLAS STIEGER
 LIMITED
 Respondent

Member of Authority: Rachel Larmer

Representatives: Mark Nutsford, Advocate for Applicant
 Wayne Kerr, Counsel for Respondent

Investigation Meeting: On the papers

Submissions Received 22 June 2011 from Applicant

Determination: 14 July 2011

COSTS DETERMINATION OF THE AUTHORITY

[1] Mr Zielinski's personal grievance claim for unjustified dismissal was successful.

[2] In its substantive determination dated 8 June 2011¹, the Authority encouraged the parties to resolve costs themselves, but failing that a timetable was set for costs to be addressed by way of an exchange of memoranda.

[3] The applicant applied for an award of costs, but the respondent did not file any submissions in accordance with the timetable set out in the Authority's substantive determination. No request for an extension to that timetable was made. I have therefore dealt with costs based on the information before me.

¹ *Zielinski v. Autoglas Stieger Ltd* [2011] NZERA 241

[4] I am satisfied Mr Zielinski incurred legal costs of \$7,815.31 because invoices for this amount have been provided to the Authority in support of the costs claimed.

[5] I consider it is appropriate for the Authority to adopt its usual daily tariff based approach to costs. This matter involved a straightforward one day investigation meeting so I have adopted a notional daily tariff of \$3,000 as a starting point. I do not consider there are any factors which warrant an adjustment to that daily rate.

[6] Accordingly, Autoglas Stieger Limited is ordered to pay Mr Zielinski \$3,000 towards his actual costs plus \$71.56 to reimburse him for his filing fee.

Rachel Larmer
Member of the Employment Relations Authority