

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Willie Bruce Ruwhiu (Applicant)

**AND** Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust  
(Respondent)

**REPRESENTATIVES** Richard Mark, Counsel for Applicant  
Sally Leftley, Advocate for Respondent

**MEMBER OF AUTHORITY** Leon Robinson

**SUBMISSIONS RECEIVED** 16 October 2006  
6 November 2006

**DATE OF DETERMINATION** 7 November 2006

**DETERMINATION OF THE AUTHORITY AS TO COSTS**

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The Authority determines that:-

Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust is ordered to pay to William Bruce Ruwhiu the sum of \$4,000.00 as a contribution to costs.

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[1] By a Determination dated 1 September 2006, I determined that Mr William Bruce Ruwhiu ("Mr Ruwhiu") had been unjustifiably dismissed. I made various orders to resolve the personal grievance found.

[2] Mr Ruwhiu now claims his costs. The representatives have made submissions to assist me in the exercise of the Authority's discretion.

[3] Mr Mark advises Mr Ruwhiu's solicitor/client costs are in the sum of \$9,379.38 and that there is additionally a further \$1,000.00 in work in progress since the determination. Counsel submits that given the urgency accorded to the investigation, a multiplier of three days preparation for each meeting day is appropriate. In those circumstances, Mr Mark submits a contribution of \$6,000.00, coincidentally 60 percent of actual costs, is appropriate.

[4] Ms Leftley denies there is a claim to work in progress and notes the applicant was unable to attend mediation. She says the preparation under urgency was not onerous and that it was the respondent which bore more significant preparation. She submits costs should be appropriate to the actual length of the investigation, being one day only.

[5] In exercising its discretion to award costs, the Authority adopts a principled approach taking into account relevant matters and taking no account of irrelevant ones. Generally, awards of costs in the Authority are modest consistent with the Authority's approach to investigations.

[6] This investigation meeting proceeded over one day. I do not consider there is anything unusual in this case or any particular factor that warrants any departure from the Authority's conventional approach to costs.

[7] I allow a multiplier of 2 applied to a meeting day of eight hours to arrive at total professional time involved of 16 hours. I consider a charge out rate of \$250.00 for professional counsel as appropriate to yield a total sum of \$4,000.00. That shall be the contribution to Mr Ruwhiu's costs.

[8] Exercising my discretion on a principled basis, **I order Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust to pay to William Bruce Ruwhiu the sum of \$4,000.00 as a contribution to costs.**