

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Ki Auro Pepe

AND Transportation Auckland Corporation Limited

REPRESENTATIVES Gary, Froggatt, advocate for Ki Auro Pepe
Gavin Cook, advocate for Transportation Auckland Corporation Limited

MEMBER OF AUTHORITY R A Monaghan

MEMORANDA RECEIVED 13 July 2006

DATE OF DETERMINATION 03 August 2006

DETERMINATION OF THE AUTHORITY ON COSTS

[1] In a determination of the above, dated 15 June 2006, I found Mr Pepe's dismissal was justified. Costs were reserved.

[2] The advocate for Transportation Auckland Corporation Limited ("Stagecoach") seeks costs of \$2,444.00, quantified largely with reference to the hours worked on the matter by various staff members. No costs of professional representation were sought and it appears the matter was handled entirely internally.

[3] It is appropriate to make an award of costs in respect of the time Mr Cook spent on the matter as advocate and in preparing the position Stagecoach advanced. The memorandum did not specify the relevant amounts, but if certain references to a 'manager' are references to Mr Cook then he spent a total of 13 hours on the matter. At \$40 per hour, the cost of his representation is \$520. I also allow preparation work by human resources staff in the sum of \$600.

[4] Accordingly total costs of representation are \$1,120.

[5] One other 'manager' was a witness and for costs purposes that is how his attendance should be addressed. One member of the human resources staff also gave evidence, and costs associated with her attendance should be treated similarly.

[6] Witnesses' expenses for two people for a one-day meeting are payable at \$50 per witness.

[7] Disbursements were sought in the sum of \$100 for photocopying. I award that amount. I also allow parking costs in the sum of \$64.

[8] Nothing has been filed on behalf of Mr Pepe. Mr Pepe was represented by his union. According to Mr Cook, when the union was asked about costs the reply was simply that Mr Pepe would have to pay them. It is true that the union itself is not liable for any costs in this matter, since it was not a party and its involvement was in making available an advocate only. Nevertheless it would have been helpful, and consistent with its role as advocate, for the union

at least to address the Authority on whether or not Mr Pepe should have to pay any costs. The Authority has pointed this out, but still no response has been received.

Conclusion

[9] I assess the claimable costs for Stagecoach as \$1,384. That is a very modest amount for a full investigation meeting lasting a day.

[10] Accordingly Mr Pepe is ordered to contribute to Stagecoach's costs in the sum of \$1,384.

R A Monaghan
Member of Employment Relations Authority