

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** David Davies (Applicant)  
**AND** Cityline (NZ) Ltd t/a Stagecoach Auckland (Respondent)  
**REPRESENTATIVES** Joeline Baledrokadroka, Advocate for Applicant  
Trudy Golder, Advocate for Respondent  
**MEMBER OF AUTHORITY** Leon Robinson  
**SUBMISSIONS RECEIVED** 26 October 2006  
31 October 2006  
**DATE OF DETERMINATION** 2 November 2006

**DETERMINATION OF THE AUTHORITY AS TO COSTS**

---

**The Authority determines:-**

**Cityline (NZ) Ltd t/a Stagecoach Auckland is ordered to pay to David Davies the sum of \$1,500.00 as a contribution to costs.**

---

[1] By a Determination dated 17 October 2006<sup>1</sup>, I determined that Mr David Davies ("Mr Davies") had been unjustifiably dismissed. I also determined that he did not have a personal grievance for duress. I made various orders to resolve the personal grievance found.

[2] The parties were invited to resolve costs between them but they were unable to agree. The representatives have made submissions to assist me in the exercise of the Authority's discretion.

[3] Mr Baledrokadroka submits an invoice detailing Mr Davies' costs. That invoice is in the sum of \$2,400 - modest costs comparatively for a two day investigation meeting. There is no reference to GST. The advocate's actual fee appears to be \$2,000. The narration refers to services rendered in relation to mediation and payments for witnesses attending. I take no account of those matters.

[4] Ms Golder submits that both parties shared equal success but also notes that of the two meeting days held, 2/3 of the time related to the unsuccessful duress claim. She advises the respondent's costs total \$6,353.00. That sum includes disbursements for parking, photocopying costs, salaries of human resources staff, wages of relief staff for attending witnesses and legal advice. The salaries would have been paid in any event and as they comprise the bulk of the advised costs, I rather consider the only cost relevant for present purposes is the lawyers' bill of \$500.

[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 two days. I agree with Ms Golder's assessment of the proportion of meeting time allocated to the duress grievance. However, Mr Davies succeeded in his claim for orders against the respondent. He is entitled to an award of costs.

[7] 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. In the circumstances, I consider the usual tariff is appropriate.

---

<sup>1</sup> AA321/06

[8] Exercising my discretion on a principled basis, I order **Cityline (NZ) Ltd t/a Stagecoach Auckland to pay to David Davies the sum of \$1,500.00 as a contribution to costs.**

Leon Robinson

**Member of Employment Relations Authority**