

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 80A/09
5116518

BETWEEN

ANTHONY TAYLOR
Applicant

AND

BRUCE AND AMBER SCOTT
trading as KAIPARA MEAT
PROCESSORS
Respondents

Member of Authority: G J Wood

Representatives: Lisa Keys for Applicant
Bruce Scott for respondents

Submissions Received: By 28 April 2009

Determination: 29 April 2009

COSTS DETERMINATION OF THE AUTHORITY

[1] In my substantive determination I concluded that Mr Taylor had been unjustifiably dismissed by Mr and Mrs Scott. Mr Taylor was awarded \$7,230.80 gross in lost remuneration and \$6,000 in compensation.

[2] On behalf of the applicant Ms Keys seeks costs. She noted that the applicant's costs, including mediation and representation at the Authority, amounted to approximately \$5,000. Much of this cost was attributed to the respondents' delays in addressing the matters at issue. Ms Keys stated that Mr Taylor had now incurred additional costs due to failed negotiations over an instalment plan for payment of the sums already awarded.

[3] Mr Scott responded with an offer of \$1,500 as a contribution to costs, which was declined by Mr Taylor. In his submissions, Mr Scott repeated his advice that

\$1,500 was a fair contribution as the hearing took only around half a day, and as he and his wife were in a desperate situation, with a prospect of losing the family home.

[4] I accept Mr Scott's submission that \$1,500 is a fair contribution to costs in the particular circumstances of this case. The case did take little more than half a day to investigate, and \$1,500 is a usual costs award in these circumstances. This case had no special circumstances which meant that greater preparation was required. Furthermore, I accept, as I did in my substantive determination, that Mr and Mrs Scott are struggling financially, have significant debts and are not therefore in a position to pay a substantial amount of money to Mr Taylor, particularly in the short term.

[5] I therefore order the respondents, Bruce and Amber Scott, on a joint and severable liability basis, to pay to Anthony Taylor \$1,500 in costs.

G J Wood
Member of the Employment Relations Authority