

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2012] NZERA Auckland 130  
5319740

BETWEEN

KARILYN TE RIINI  
Applicant

AND

TUWHARETOA KI  
KAWERAU HEALTH  
EDUCATION AND SOCIAL  
SERVICES CHARITABLE  
TRUST  
Respondent

Member of Authority: Dzintra King

Memoranda Received: 30 July, 9 December 2011 and 24 January 2012 from  
Applicant  
12 August, 7 December 2011 and 24 January 2012 from  
Respondent

Determination: 16 April 2012

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] On 12 December 2011 I asked the applicant to submit a copy of her costs' invoice to the Authority and the respondent.

[2] By 19 January 2012 nothing had been received. I asked that the parties be contacted and told that nothing had been received from the applicant but that Mr Franklin had indicated that he was able to provide evidence of the actual charges to the applicant.

[3] The applicant sought costs of \$15,298.18 but the respondent submitted that actual costs incurred were only \$4,217.17.

[4] Mr Franklin provided the Authority with two invoices and stated that only the first invoice related to matters presently before the Authority and that the second one related to subsequent matters that were in dispute but as yet undetermined.

[5] Mr Austin accepted that the second invoice should be excluded from consideration.

[6] The first invoice is for the sum of \$4,217.17. That invoice relates to matters including the raising of the personal grievance with the employer, attending a meeting with the employer and attending mediation. The sum includes GST.

[7] Mr Taylor, the applicant's representative at the time, does not specify an hourly rate but charges an overall fee of a third of the sum obtained in a successful case plus a base fee of \$1,500.00.

[8] In these circumstances I do not think it appropriate to apply the tariff to a costs' award. The applicant is entitled to a contribution to her costs but given the difficulties of ascertaining how much of the amount charged for costs had to do with the actual hearing, I set the amount to be paid by the respondent to the applicant at \$1,500

Dzintra King

Member of the Employment Relations Authority