

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2014] NZERA Christchurch 53
5422530

BETWEEN

RACHEL MARIE STEPHENS
Applicant

A N D

MEJA LIMITED (previously
known as The Fish N Chip Shop
(Palmerston) Limited)
Respondent

Member of Authority: Helen Doyle

Representatives: Ben Nevell, Counsel for Applicant
Natasha Bates, Advocate for Respondent

Submissions Received: 3 March 2014 from Applicant
No submissions from Respondent

Date of Determination: 07 April 2014

COSTS DETERMINATION OF THE AUTHORITY

- A. The respondent is to pay to the applicant costs in the sum of \$2,000 together with disbursements in the sum of \$71.56.**

[1] In a determination dated 26 February 2014 the Authority found the applicant's claim for personal grievances made out and awarded remedies. The issue of costs was reserved and a timetable set for an exchange of submissions.

[2] Submissions were received from the applicant by 12 March 2014, in accordance with the timetable. The respondent's submissions, due by 26 March 2014, were not supplied to the Authority.

[3] I shall now proceed to determine costs. The usual principles are that costs follow the event. I am satisfied that they should in this case.

[4] The applicant was legally aided. Her actual costs were \$3,591. These costs were particularised in Mr Nevell's submissions as:

- \$1,140.80 being legal fees in raising a personal grievance and attending mediation;
- \$2,281.60 being legal fees in applying to the Employment Relations Authority and completing hearing; and
- \$169 being disbursements of \$85 plus GST for office expenses and the filing fee of \$71.56.

[5] Mr Nevill correctly set out in his submission that the Authority's investigation meeting lasted for 4½ hours between 9.30am and 2pm. There was no luncheon adjournment.

[6] Mr Nevill seeks a costs award in the sum of \$2,625, being three quarters of the \$3,500 usual daily tariff in the Authority for a one day investigation meeting.

Determination

[7] Although there may be circumstances for which costs are awarded for mediation I am not satisfied that such circumstances exist in this case. I find that the first legal services invoice mainly relates to mediation. That leaves the sum of \$2,281.60 invoiced for consideration together with disbursements.

[8] Awards for disbursements should be limited to payment of money to third parties as opposed to office overheads. The filing fee fits that criteria but not the other claim for disbursements.

[9] In all the circumstances, I find that a fair and reasonable award for costs and disbursements would be the sum of \$2,000 together with reimbursement of the filing fee of \$71.56.

[10] I order MEJA Limited, formerly known as The Fish N Chip Shop (Palmerston) Limited, to pay to Rachel Marie Stephens the sum of \$2,000 costs and disbursements in the sum of \$71.56.

Helen Doyle
Member of the Employment Relations Authority