

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2015] NZERA Auckland 157
5499559

BETWEEN PRADEEP GREWAL
 Applicant

A N D FRESH AND MORE
 FARMERS SUPERMARKET
 LIMITED
 Respondent

Member of Authority: TG Tetitaha

Representatives: D Gelb, Advocate for the Applicant
 J Nguy/K Nguy, Counsel for the Respondent

Submissions: No submissions from Applicant
 20 May 2015 from Respondent

Date of Determination: 4 June 2015

COSTS DETERMINATION OF THE AUTHORITY

A. The parties shall meet their own costs.

Employment relationship problem

[1] The Authority in its oral determination dated 6 May 2015¹ dismissed the personal grievance application. Costs were reserved.

[2] The respondent now applies for costs. It has not provided copies of its invoices but seeks costs of \$11,750.00.

Issues

[3] The following issues are to be determined:

¹ *Grewal v Fresh And More Farmers Supermarket Ltd* [2015] NZERA Auckland 127

- a. What is the starting point for assessing costs?
- b. Are there any factors that warrant adjusting the notional daily tariff?

What is the starting point for assessing costs?

[4] The correct approach to assessing costs in this matter is for the Authority to adopt its usual notional daily tariff based approach to costs.² The current notional daily tariff is \$3,500. This matter involved a one day investigation meeting. The starting point for assessing costs is therefore \$3,500.

[5] I cannot assess the reasonableness of the respondent's costs because it has not filed copies of its actual invoices nor provided any indication of what its actual costs were. A 'Schedule of Costs' has been filed that sets out an estimate of time for each activity and a proposed charge out rate of \$250 per hour. This does not show how much time was actually expended or the actual hourly rate charged. There is no proof this party has even been charged for the work undertaken. I do not accept that \$11,750 is a fair and reasonable contribution to any costs award as a consequence.

[6] Given the lack of evidential basis to support a costs award, I decline to award costs. There is no need to consider the second issue. The parties shall meet their own costs.

TG Tetitaha
Member of the Employment Relations Authority

² *Mattingly v Strata Title Management Ltd* [2014] NZEMPC 15 at [16]