

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

[2015] NZERA Christchurch 98
5526543

BETWEEN JOHN KIRBY
Applicant

A N D NEW ZEALAND CHINA
FRIENDSHIP SOCIETY
INCORPORATED
Respondent

Member of Authority: Helen Doyle

Submissions Received: 2 July 2015 from the Respondent
3 July 2015 from the Applicant

Date of Determination: 16 July 2015

COSTS DETERMINATION OF THE AUTHORITY

A I order John Kirby pay to the New Zealand China Friendship Society Incorporated the sum of \$416.50 being expenses and disbursements.

[1] The Authority found in its determination of 20 May 2015 that the applicant was not employed by the respondent. Costs were reserved and an application for reimbursement of disbursements and expenses has now been received from the respondent.

[2] The respondent claims the following disbursements and expenses:

- (a) Airfare for the National President of the respondent, David Bromwich, from Wellington to Christchurch - \$256
- (b) Travel to and from the airport - \$32
- (c) Printing of documents - \$19.80
- (d) Courier of documents to Authority - \$8.50

- (e) Reimbursement for loss of salary for the Treasurer of the respondent, Christopher Goodwin, for 5 hours at \$30 per hour in the sum of \$150

[3] The applicant in his submission advises the Authority that there has been a challenge to the Employment Court and various items have now been requested from the respondent.

Determination

[4] It is the usual practice of the Authority where there is a challenge to proceed to determine any issues of costs and disbursements so that the Judge may have in front of him or her all the information relating to the matter.

[5] Clause 15 of Schedule 2 to the Employment Relations Act 2000 provides that the Authority may order any party to pay to the other party such costs and expenses including expenses of witnesses as the Authority think reasonable.

[6] The Authority had mentioned during a telephone conference to Mr Kirby that there may be a possibility if he was unsuccessful that the respondent would make a claim for expenses.

[7] Mr Bromwich and Mr Goodwin undertake work for the society on a voluntary basis. Their attendance by both at the investigation meeting was helpful and necessary.

[8] Mr Goodwin claims for loss of salary for attending the meeting in the sum of \$150 which is five hours at \$30 per hour. The investigation meeting took about three hours and I consider that reimbursement for four hours or a usual half day would be reasonable in the circumstances in the sum of \$120.

[9] I accept the claim for disbursements for air travel costs for Mr Bromwich, travel to and from the airport and the courier of documents to the Authority in the combined sum of \$296.50.

[10] Disbursements should be limited to disbursements in the true sense which involve the payment of money to a third party as opposed to normal office overheads. I do not, for that reason, allow a claim for printing of documents in the sum of \$19.80.

[11] I find there should be reimbursement to the respondent of the sum of \$416.50 being expenses and disbursements.

[12] I order John Kirby pay to the New Zealand China Friendship Society Incorporated the sum of \$416.50 being expenses and disbursements.

Helen Doyle
Member of the Employment Relations Authority