

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI
TE WHANGANUI-Ā-TARA ROHE**

[2021] NZERA 435
3093172

BETWEEN JORDAN REEVES-CRAWFORD
Applicant

AND THE HOMEGROWN JUICE
COMPANY LTD
Respondent

Member of Authority: Geoff O’Sullivan

Representatives: Ira White, advocate for the Applicant
Dave Robb, advocate for the Respondent

Investigation Meeting: On the papers

Submissions [and further 31 August 2021
Information] Received:

Date of Determination: 5 October 2021

COSTS DETERMINATION OF THE AUTHORITY

[1] On 2 March 2021 I issued a determination concluding Jordan Reeves-Crawford had personal grievances in that he had been unjustifiably dismissed and disadvantaged in his employment.¹ Costs were reserved with the parties being advised of the current daily tariff adopted by the Authority and were encouraged to settle the matter of costs between themselves. If they were unable to reach agreement, then the parties were invited to file submissions in respect of costs within the timeframe provided for in the determination.

[2] In the time between the issuing of the determination on 2 March 2021 and the initial filing of submissions by Mr Reeves-Crawford on 16 March 2021, there had been a change in the respondent’s representation with Mr Robb, advocate, representing The Homegrown Juice Company Ltd.

¹ [2021] NZERA 82

[3] On 3 March 2021, Ms White as advocate for Mr Reeves-Crawford, issued an invoice to The Homegrown Juice Company Ltd for the ERA tariff of \$4,500 plus GST of \$675 for a total of \$5,175. The invoice stated:

Pursuant to the determination dated 2nd March 2021 we present our contribution to costs – Ira White – the Advocate Solution Limited.

[4] There is no dispute that The Homegrown Juice Company Ltd paid that invoice, albeit not in the timeframe Ms White wished.

Have costs been settled between the parties?

[5] It is quite clear from the submissions and emails received, that the issue of costs was settled. Mr Robb's emailed reply to the application and indeed the invoices issued by Ms White make it clear that the sum of \$4,500 plus GST has been paid. Ms White proffered that sum as settlement of costs and Homegrown accepted it. It follows therefore that the Authority will not be making any further orders as to costs.

[6] For the sake of completeness, it is noted that \$4,500 is the daily tariff generally adopted by the Authority. Ms White in her submissions appears to be asking for indemnity costs. She requests a further contribution of \$6,376.65 (in addition to the ERA's daily tariff). The only justification provided for this is that the amount is based "upon the contract billing to Mr Reeves-Crawford and is significantly lower compared to the actual hours spent on his matter". Even if I had found costs had not been settled between the parties, the Authority would not have awarded an uplift based on that submission. No proper grounds supporting indemnity costs or an uplift from the Tariff have been put forward by Ms White and as said above, in any event it is clear that costs have already been settled between the parties.

Conclusion

[7] It follows therefore that as the evidence before the Authority makes it clear that the parties have settled the issue of costs between themselves, and as in any event the Authority would not have entertained an uplift in costs no further order as to costs will be made.

Geoff O'Sullivan
Member of the Employment Relations Authority