

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKAURAU ROHE**

[2021] NZERA 73  
3087512

BETWEEN	A LABOUR INSPECTOR Applicant
AND	JANSON TRADING LIMITED T/A SBA THAMES First Respondent
AND	JASWANT SINGH Second Respondent

Member of Authority: Robin Arthur

Representatives: Joseph Perrott, counsel for the Applicant  
Jaswant Singh for the First Respondent and in person  
as Second Respondent

Submissions: On 25 January 2021 from the Applicant. None from  
the Respondents.

Determination: 25 February 2021

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] The Labour Inspector sought an order for costs of \$2,250 and reimbursement of the \$71.56 fee she paid to lodge her successful application in these proceedings. The Authority's determination ordered Janson Trading Limited to pay a penalty of \$20,000 for breaches of employment standards and Jaswant Singh to pay a penalty of \$13,000 for his involvement in those breaches.<sup>1</sup>

[2] The sum sought by the Inspector is half the Authority's usual daily tariff for costs for an investigation meeting in person. The Inspector's cost memorandum identified that, at the modest rate of \$90 charged on an in-house basis by Ministry of Business for its legal services to the Inspector, total costs for counsel's attendances

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<sup>1</sup> *Labour Inspector v Janson Trading Limited & Jaswant Singh* [2021] NZERA 5.

totalled just over \$6,000. It was evident from the pleadings, submissions, memoranda and other correspondence on the Authority file that the contribution sought to those costs was well within the scope of being reasonably incurred.

[3] While Mr Singh had written to the Authority to complain about the level of penalties imposed, he did not use an opportunity offered to make any submissions on behalf of the company or himself in reply to the Inspector's cost memorandum. There was no information that he and the company would not be able to pay costs at the level sought.

[4] It was also appropriate that an order for costs in this case be made on a joint and several basis between the company and Mr Singh. How they apportioned payment of those costs between themselves is a matter for them, provided the total amount is paid.

[5] Accordingly, on a joint and several basis, Janson Trading Limited and Mr Singh must pay the Inspector \$2,250 as a contribution to her reasonably incurred costs and \$71.56 in reimbursement of the lodgement fee. Those two sums must be paid to the Inspector within 28 days of the date of this determination.

Robin Arthur  
Member of the Employment Relations Authority