

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

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

[2022] NZERA 236  
3117996

BETWEEN	PAUL WOODS Applicant
AND	ADVANCED SOLUTIONS GROUP 2020 LIMITED Respondent

Member of Authority: Sarah Kennedy  
Representatives: Mike Harrison, advocate for the Applicant  
Submissions Received: 12 May 2022 from the Applicant  
Date of Determination: 3 June 2022

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**COSTS DETERMINATION OF THE AUTHORITY**

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**Costs**

[1] Paul Woods, the applicant, has filed an application for an order for payment of costs that he incurred in pursuing a personal grievance against the respondent, Advanced Solutions Group 2020 Limited (Advanced Solutions). In my determination dated 7 March 2022, the Applicant succeeded in his claim for an unjustified dismissal, lost wages and compensation.<sup>1</sup>

[2] Advanced Solutions did not provide submissions on costs and have not responded to the Authority. A copy of Mr Woods' application for costs has been served on the address for service for Advanced Solutions.

[3] The Authority's jurisdiction to order a party to pay reasonable costs and expenses is exercised by applying some well established principles to the particular circumstances of the

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<sup>1</sup> *Woods v Advanced Solutions Group 2020 Limited* [2022] NZERA 72.

case.<sup>2</sup> Those principles recognise that a successful party should receive a contribution to costs reasonably incurred in reaching that result; costs are discretionary and should generally be modest and may not be used to punish an unsuccessful party; the nature of the case may allow for an order that costs lie where they fall; and the Authority may use a notional “daily rate” or “tariff” as a starting point to assess costs.

[4] Undue rigidity in applying that tariff is avoided by upward or downward adjustments appropriate to the particular case. Those adjustments may account for a liable party’s means to pay costs, the preparation required in particularly complex matters and where the conduct of parties has unnecessarily increased costs.<sup>3</sup>

[5] The Authority’s current tariff for a one-day investigation meeting is \$4,500.00. This amount is taken as an appropriate starting point for assessing a reasonable contribution to the costs incurred by a party in preparing for and taking part in an investigation meeting.

### **Assessment**

[6] The investigation meeting was held via Zoom over three hours and Advanced Solutions’ director failed to attend. It is submitted that the total cost to Mr Woods in having representation was \$8,625.00, inclusive of the filing fee.

[7] Weighing the relevant principles referred to above, having been successful, Mr Woods is entitled to a contribution towards his costs. I consider that costs based on one half-day’s hearing time of \$2,250 and a filing fee of \$75.56 is appropriate.

### **Order**

[8] Advanced Solutions Group 2020 Limited is ordered to pay Paul Woods the sum of \$2,250.00 as a contribution towards his costs, together with the filing fee of \$71.56 within 28 days of this determination.

**Sarah Kennedy**  
**Member of the Employment Relations Authority**

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<sup>2</sup> Employment Relations Act 2000, Schedule 2, clause 15 and *PBO Ltd v Da Cruz* [2005] 1 ERNZ 808, 819-820 and *Fagotti v Acme and Co Limited* [2015] NZEmpC 135 at 106-108.

<sup>3</sup> Above n2.