

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

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

[2023] NZERA 567  
3200899

BETWEEN	THOMAS MARSTERS Applicant
AND	ALLIED INVESTMENTS LIMITED t/a ALLIED SECURITY Respondent

Member of Authority: Geoff O’Sullivan

Representatives: Thomas Marsters in person  
Brenda Thom counsel for the respondent

Investigation Meeting: On the papers

Submissions Received: Up to and including 6 September 2023

Date of Determination: 29 September 2023

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**COSTS DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] On 9 August 2023 I issued a determination concluding that Allied Investments Limited (Allied Security) had justified Mr Marsters dismissal and accordingly no remedies were awarded to him.

[2] Counsel for Allied Security by memorandum dated 21 August 2023 applied for costs claiming a contribution towards costs of \$2,250. Counsel asked the Authority to adjourn consideration of costs until after 4 September 2023. This was on the basis that the parties had agreed on the figure of \$2,250 and Mr Marsters had agreed to pay that amount.

[3] As it transpires, there has been no further contact from Mr Marsters and no payment of costs has been made by him to date.

[4] In my determination of 9 August 2023 costs were reserved but as the parties have been unable to settle the matter between themselves, it falls to the Authority to determine costs.

[5] The Authority normally adopts a daily tariff when addressing a claim for costs. The current starting point is \$4,500 for an investigation's first day. In this case, the investigation meeting essentially occupied half a day when considering the submissions made by both parties. The amount sought by Allied Security is in line with tariff costs, namely a sum of \$2,250. There has been no engagement from Mr Marsters, however I see no need to depart from the tariff costs which would normally be awarded.

### **Conclusion and orders**

[6] I order Thomas Marsters to pay Allied Investments Limited a sum of \$2,250 as a contribution towards its costs. Payment is to be made within 28 days of the date of this determination.

Geoff O'Sullivan  
Member of the Employment Relations Authority