

papers. Where an applicant or respondent has incurred costs for representation by a lawyer or other advocate, the Authority may order whichever party is unsuccessful to contribute to a specified amount towards the reasonably incurred costs of the other party.²

[4] Taikura Rudolf Steiner School Board (the Board) says it incurred significant costs in defending Mr Hamilton-Gibb's application and this should be reasonably reflected in an order for costs. It says the time and detail involved, despite the application being dealt with on the papers as a preliminary matter, justifies a starting point equivalent to the Authority's notional daily tariff for a one day meeting of \$4,500.00.

[5] Mr Hamilton-Gibbs is experiencing financial hardship and it is submitted he is not in a position to afford the costs of the Board. He provided a breakdown of his income and expenditure to support that submission. Given the situation that led to his application for leave to lodge a personal grievance outside the applicable time frame was a no-fault termination and no in person investigation meeting was required, he says costs should lie where they fall or be nominal.

[6] The Authority's investigation was conducted on the papers. The Board was successful in that the application for leave was declined so it was the successful party and is entitled to an award of costs. I do not consider this preliminary matter heard on the papers merits a starting point of the full daily tariff for one day but I accept costs were incurred by the Board. In recognition of the costs incurred an appropriate starting point is \$3,000.00. Taking into account Mr Hamilton-Gibbs' termination was a no fault termination and his current financial position, I consider a small decrease to be appropriate.

Orders

[7] I order Brendan Hamilton-Gibbs to pay \$1,500.00 in costs to Taikura Rudolf Steiner School Board.

Sarah Kennedy-Martin
Member of the Employment Relations Authority

² www.era.govt.nz/determinations/awarding-costs-remedies#awarding-and-paying-costs-1

