

**IN THE EMPLOYMENT COURT  
AUCKLAND**

**AC 6/07  
ARC 122/05**

IN THE MATTER OF a challenge to a determination of the  
Employment Relations Authority

AND IN THE MATTER OF an application for costs

BETWEEN STEPHEN CLARK  
Plaintiff

AND NORTHLAND HUNT  
INCORPORATED  
Defendant

Hearing: By memoranda of submissions filed on 11 December 2006 and 19  
January 2007

Judgment: 7 February 2007

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**COSTS JUDGMENT OF JUDGE ME PERKINS**

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[1] My judgment of 27 November 2006 reserved the issue of costs. Submissions have now been received on this issue.

[2] The successful defendant seeks costs on the basis of a calculation based on category 2B in the High Court scales. This amounts to \$18,240.

[3] The defendant's legal fees to date total \$31,478.91 including GST and disbursements. However, of this sum, \$15,305 related to the claim before the Employment Relations Authority. This leaves a balance incurred in respect of the Employment Court proceedings of \$16,173.13. Costs have already been addressed by the Employment Relations Authority in respect of the proceedings before it and an award has been made in favour of the defendant.

[4] The starting point for costs in this Court is the sum actually incurred by the defendant amounting to \$16,173.13.

[5] That sum seems to me to be a modest fee for the challenge having regard to the nature of the proceedings and the hearing involved. Nevertheless, I agree with Mr Ryan's submissions that in accordance with principle, the Court is looking at a reasonable contribution to the costs actually and reasonably incurred by the winning party.

[6] Accordingly, I award the defendant costs in the sum of \$11,000.

ME Perkins  
Judge

Judgment signed at 3 pm on Wednesday 7 February 2007