

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Christopher Barton (Applicant)
AND Programmed Maintenance Services (NZ) Limited (Respondent)
REPRESENTATIVES Paul Pa'u for Applicant
Peter Fuscic for Respondent
MEMBER OF AUTHORITY Vicki Campbell
SUBMISSIONS RECEIVED 29 August 2005 from Respondent
No memorandum in reply received from Applicant
DATE OF DETERMINATION 4 October 2005

COSTS DETERMINATION OF THE AUTHORITY

[1] Mr Christopher Barton, the applicant, was unsuccessful in his claim that he was unjustifiably disadvantaged in his employment with the respondent. The respondent now seeks costs.

[2] I have received costs submissions from Mr Fuscic for the respondent. Mr Fuscic seeks a contribution to the respondents incurred costs of \$15,000.

[5] I am of the view this is an appropriate case for an award of costs. The case was important to both parties but was not overly complex. The investigation meeting took 1 ½ days. In all the circumstances and taking into account the principles relating to costs as set out in *New Zealand Airline Pilots Association v The Registrar of Unions* [1989] 2 NZILR 550 and *Reid v Fire Services Commission* [1995] 2 ERNZ 38 I am of the view that an appropriate award of costs including disbursements is \$2,000.00.

[6] Mr Barton is to pay to Programmed Maintenance Services (NZ) Ltd the sum of \$2,000.00 as a contribution to its costs and disbursements.

Vicki Campbell
Member of Employment Relations Authority