

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 113
5313841

BETWEEN GRANT BURCH
Applicant

AND RUSH SECURITY SERVICES
LIMITED
Respondent

Member of Authority: Dzintra King

Submissions received: 2 February 2011 from Respondent
7 February 2011 from Applicant

Determination: 23 March 2011

COSTS DETERMINATION OF THE AUTHORITY

[1] The applicant, Mr Grant Burch, was unsuccessful in his personal grievance claim. The parties have been unable to agree costs. The respondent now seeks costs.

[2] The respondent was represented at the meeting by Larissa and Darien Rush. Mr John Cleary appeared as a witness for the respondent.

[3] The respondent has submitted invoices from Mr Cleary and from Hesketh Henry. The Hesketh Henry invoice relates to advice given to the respondent.

[4] The respondent seeks the payment of \$4,130.00 on the basis that it has been put to significant costs in defending the claim and that the applicant's claim was without merit.

[5] The applicant says the statement from Hesketh Henry is possibly a false statement. There is no basis for such an assertion.

[6] The applicant also says that the claim for reimbursement of Mr Cleary's bill should not be allowed as he was a witness.

[7] The criteria for awards of costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808.

[8] In the normal course of events self represented parties are not entitled to recover costs. However, it may be possible for costs to be recovered for legal advice given in relation to the disputed matter: *South Canterbury District Health Board v Milner Emp C Christchurch* CC9A/02, 22 May 2002.

[9] Costs normally follow the event and the respondent is entitled to recover a reasonable contribution to its reasonably incurred costs. Those costs do not include Mr Cleary's bill.

[10] Costs in the Authority are to be moderate and not punitive.

[11] The applicant is to pay the respondent the sum of \$2,000.

Dzintra King

Member of the Employment Relations Authority