

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Troy Charteris (Applicant)
AND Kaituna Pastoral Farms Limited (Respondent)
REPRESENTATIVES David Bruce (Advocate for Applicant)
Kim Stretton (Counsel for Respondent)
MEMBER OF AUTHORITY Robin Arthur
INVESTIGATION MEETING 8 February 2006
DATE OF DETERMINATION 22 May 2006

COSTS DETERMINATION OF THE AUTHORITY

[1] On 16 March 2006 the Authority declined the applicant's personal grievance claim (AA 78/06) and reserved costs. In the event parties were not able to agree costs, leave was reserved to apply within 21 days of the date of the determination for an order for costs.

[2] The Authority's file records the determination AA 78/06 being despatched to the parties' representatives on 16 March 2006.

[3] By facsimile dated 3 May 2006 the respondent filed an application for costs. The signed original of the application was not received by the Authority until 11 May 2006.

[4] The Authority member who issued determination AA 78/06 is out of the country for the remainder of this year and I have been assigned this file in order to determine the costs application.

[5] The respondent submits it incurred costs of \$3,294.00 in preparing for the investigation meeting, disbursements of \$285.00 and investigation attendance costs of \$684.00. It seeks \$2500 as a reasonable contribution to those costs.

[6] The applicant submits that the costs application is out of time and queries whether all the costs incurred were reasonably incurred.

Determination

[7] The Authority's jurisdiction to award costs is discretionary and it is entitled – as the member saw fit here – to require parties to apply within a certain time. This meets the object of the Employment Relations Act 2000 to assist prompt resolution of problems between parties and the provision that determinations of the Authority should provide speedy and practical justice.

[8] The respondent's application for costs is out of time. It has neither explained nor sought leave for submitting its application 48 days after the date of the determination rather than within the 21 days required by that determination. Even if the determination had required the application within 21 *working* days, which it did not, and allowing for intervening public holidays, the application was not filed until 31 working days after the determination.

[9] In these circumstances I decline the respondent's application for costs.

Robin Arthur

Member of Employment Relations Authority