

- a. Delays and difficulties in obtaining disclosure of the applicant's tape recording of the meeting of 18 September 2009;
- b. The need to address the applicant's inclusion of irrelevant and prejudicial material;
- c. Delay and disruption caused by adjournments resulting from the unavailability of counsel for the applicant, including two delays in starting and the scheduling of a further part-day to address matters which Mr Cook raised at the last minute.

[5] The respondent relied in addition on the offer of settlement referred to in the determination. Accepting the offer would have given Mr Cook more than he has obtained by proceeding.

[6] Overall the respondent was the successful party and is entitled to a contribution to its costs. I consider level of contribution it seeks to be reasonable.

[7] Mr Cook is therefore ordered to contribute to the respondent's costs in the sum of \$7,500.

R A Monaghan

Member of the Employment Relations Authority