

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Rex Field (Applicant)
AND AB Equipment Limited (Respondent)
REPRESENTATIVES Phillip Drummond for the Applicant
Eska Hartdegen for the Respondent
MEMBER OF AUTHORITY P R Stapp
SUBMISSIONS IN WRITING 15 and 18 December 2006
DATE OF DETERMINATION 19 December 2006

COSTS DETERMINATION OF THE AUTHORITY

Application

[1] The Applicant has applied to the Authority to amend an error. The Respondent has left it to the Authority to decide what its costs decision was.

[2] Clause 15 (2) of Schedule 2 of the Employment Relations Act enables the Authority to vary or alter any costs order in such manner as the Authority thinks is reasonable.

[3] The Applicant is requesting that the Authority allow for the deduction of \$1,000 instead of \$2,000 from reasonable costs for mediation. The affect of this would be to increase the Authority's decision on the sum that the Respondent is required to contribute to the Applicant's costs to \$5,000 instead of \$4,000.

[4] From the information now produced I note that the Applicant's costs for mediation would have been \$1,000. It is entirely consistent with the Authority's earlier decision that the costs for mediation be discounted. I accepted that the award of costs should be at the level of the claim based on reasonable costs. The appropriate award should therefore be a \$5,000 contribution to the Applicant's costs applying the above reasoning and principle.



[5] AB Equipment Limited is to pay Rex Field \$5,000 costs as a contribution to his reasonable costs of \$9,000 in substitution of my costs decision of 15 December 2006 (unreported) WA 178/06. The order for AB Equipment Limited to pay the \$70 filing fee and \$430 disbursements remains the same.



P R Stapp
Member of the Authority

