

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN David Kirkham (Applicant)
AND Metro Motors Holdings 2003 Ltd (Respondent)
REPRESENTATIVES James Duckworth, Counsel for Applicant
David France, Counsel for Respondent
MEMBER OF AUTHORITY Marija Urlich
MEMORADUM RECEIVED 24 February 2006
DATE OF DETERMINATION 26 April 2006

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] On 21 December 2005 the Authority issued determination AA 59A/05 declining the respondent's reopening application for want of evidence. Costs were reserved.

[2] On 24 February 2006 Mr Duckworth filed a memorandum on behalf of the applicant seeking a contribution towards the costs incurred in opposing the respondent's reopening application. These submissions were sent to the respondent's counsel, Mr France. The respondent has had a reasonable opportunity to put its position, in relation to this costs issue, to the Authority, and has not taken that opportunity. It is now appropriate to move to determine this outstanding issue between the parties.

[3] Applying the usual principles appropriate to a consideration of costs in the Authority, I award Mr Kirkham a contribution of \$2000 towards legal costs reasonably incurred in opposing the respondent's reopening application. Metro Motors Holdings 2003 Ltd is to pay David Kirkham \$2000.

Marija Urlich
Member of Employment Relations Authority