

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Leslie Michael Kirrane (Applicant)
AND Boracure Auckland 1969 Ltd (Respondent)
REPRESENTATIVES Leslie Michael Kirrane In person
Keith McConnell, Advocate for Respondent
MEMBER OF AUTHORITY Marija Urlich
INVESTIGATION MEETING 27 July 2004
DATE OF DETERMINATION 1 February 2005

COSTS DETERMINATION OF THE AUTHORITY

[1] In my determination of 4 November 2004, I found that the applicant did not have grounds upon which to claim the respondent should pay to him its contributions to his superannuation scheme on resignation. I reserved the issue of costs.

[2] I have received costs submissions from the respondent. Mr Kirrane has not filed a costs memorandum. I am satisfied Mr Kirrane has had a fair opportunity to do so and move to determine the issue.

[3] On Boracure's behalf Mr McConnell seeks the sum of \$2,382.76 from Mr Kirrane. This sum represents the total costs incurred by Boracure including GST and disbursements. No grounds have been provided but I accept these costs have been incurred in response to Mr Kirrane's application to the Employment Relations Authority.

[4] I am of the view this is an appropriate case for an award of costs. The case was important to both parties but was not a complex matter. The investigation meeting took 1½ hours to complete with a conference call convened by the Authority subsequent and further information provided in writing. In all the circumstances and taking into account the principles relating to costs as set out in *New Zealand Airline Pilots Association v The Registrar of Unions* [1989] 2 NZILR 550 and *Reid v Fire Services Commission* [1995] 2 ERNZ 38 I am of the view that an appropriate award of costs including disbursements is \$300.00.

[6] I order Leslie Kirrane to pay to Boracure the sum of \$300.00 as a contribution to its costs and disbursements.

Marija Urlich
Member of Employment Relations Authority