

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 197
5304145

BETWEEN

FOOK YUEN LEUNG
Applicant

AND

ASIAN BUSINESS
YEARBOOK LIMITED
First Respondent

PRESETIGE PROPERTY
PUBLICATION LIMITED
Second Respondent

Member of Authority: R A Monaghan

Representatives: L Darroch, counsel for applicant
G Pollak, counsel for respondents (on costs)

Memoranda received: 8 April 2011 from applicant
5 May 2011 from respondents

Determination: 12 May 2011

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 14 March 2011 I found Mr Leung was dismissed unjustifiably, and made a small award in respect of a claim for the payment of monies owing. Costs were reserved.

[2] Counsel for Mr Leung sought a contribution to costs calculated as two thirds of the reasonably incurred costs. According to an invoice which was provided, those costs totalled \$1,381.40. Two thirds of that amount is \$911.72. Although the principles in *PBO Limited (formerly Rush Security Limited) v da Cruz*¹ are not usually applied in that way, the amount sought is very modest and I consider it reasonable.

¹ [2005] ERNZ 808

[3] Since counsel for the respondents has also commented on the reasonableness of the amount I order accordingly. That is, the respondents are ordered jointly and severally to contribute to Mr Leung's costs in the sum of \$911.72.

R A Monaghan

Member of the Employment Relations Authority