

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Denny Makiha (Applicant)
AND Northern Tree Harvesters Limited (Respondent)
REPRESENTATIVES Bryce Quarrie, Counsel for Applicant
Murray Broadbelt, Advocate for Respondent
MEMBER OF AUTHORITY Marija Urlich
INVESTIGATION MEETING 3 November 2005
COSTS MEMORANDUM 13 April 2006
DETERMINATION 31 May 2006

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] In a determination dated 10 February 2006 I found Mr Makiha's dismissal was justified. Costs were reserved and the parties were invited to attempt to resolve this issue themselves. In his memorandum, Mr Broadbelt advises that the parties have not been able to resolve this issue and has asked that the Authority determine costs. Mr Makiha has not filed a costs memorandum.

[2] Northern Tree Harvesters Limited seeks to recover total costs of \$2340 incurred in defending Mr Makiha's application.

[3] Northern Tree Harvesters Limited has been the successful party and it is reasonable, in these circumstances that an award of costs is made in its favour. The investigation meeting ran for one day and its smooth running was assisted by the parties' prior filing of witness statements and supporting documents. The issues were important to the parties but did not involve unduly complex factual or legal issues. Applying the principals appropriate to a consideration of costs in the Authority¹, I set that award at \$1500 and so order.

Marija Urlich
Member of Employment Relations Authority

¹ *Da Cruz v PBO Ltd unreported, AC2A/05, 9 December 2005, Employment Court, Auckland, Colgan, Travis, Shaw JJ*