

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Gavin McLeod (Applicant)
AND Anthony Gollop trading as Bay Metal Finishers (Respondent)
REPRESENTATIVES David Bruce, Advocate for Applicant
Anthony Gollop, Advocate for Respondent
MEMBER OF AUTHORITY Dzintra King
INVESTIGATION MEETING 6 May 2005
MEMORANDA RECEIVED 29 June 2005 from Applicant
DATE OF DETERMINATION 12 September 2005

COSTS DETERMINATION OF THE AUTHORITY

Mr Gavin McLeod was successful in his personal grievance claim and now claims costs. Mr Bruce, the advocate for Mr McLeod, claims an unspecified reasonable contribution towards costs of \$1800. Of that amount, \$45 is disbursements and \$181.66 is GST. The respondent, sent a letter complaining about the determination to Mr Bruce, which letter Mr Bruce forwarded to the Authority. The letter did not contain submissions on the matter of costs, although Mr Gollop did seek the sum of \$4,500 from the applicant for failing to do his job.

The principles relating to costs are set out in Okeby v Computer Associates (NZ) Ltd [1996] 1 ERNZ 613 and Reid v NZ Fire Service Commission [1995] 2 ERNZ 38. The applicant was successful and is entitled to a reasonable contribution to his reasonably incurred costs. The costs incurred are reasonable. The Investigation took a short time and the matter was not legally complex.

The applicant is to be paid the sum of \$750 in costs and \$45.00 in disbursements.

Dzintra King
Member of Employment Relations Authority