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Pryce v TelstraClear Ltd AA 37A/06 (Auckland) [2006] NZERA 672 (20 March 2006)

Last Updated: 25 November 2021

Determination Number: AA 37A/06 File Number: AEA 757/05

Under the [Employment Relations Act 2000](#)

BEFORE THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND OFFICE

BETWEEN Stuart Pryce (Applicant)

AND TelstraClear Limited (Respondent)

REPRESENTATIVES Tom Skinner, Advocate for Applicant

Carolyn Heaton, Counsel for Respondent

MEMBER OF AUTHORITY R A Monaghan

SUBMISSIONS RECEIVED 2, 7 and 9 March 2006

DATE OF DETERMINATION 20 March 2006

DETERMINATION OF THE AUTHORITY ON COSTS

[1] In a determination of the substantive matter in the above, dated 14 February 2006, I found Mr Pryce's dismissal on the ground of redundancy was justified. Costs were reserved and the parties have submitted memoranda on the matter.

[2] Counsel for the respondent cited total costs of \$15,850.95, and relied on an offer of settlement made without prejudice save as to costs contained in a letter dated 18 November 2005. According to the letter an offer of settlement from Mr Pryce in the sum of \$9,000 was rejected, and the respondent's offer was 'for \$4,000'. According to counsel's schedule of invoices, costs incurred after the date of the offer cannot have exceeded \$11,531.82.

[3] Mr Skinner attempted to have put in front of me a memorandum which included comment on discussion and negotiation during mediation. He should have known better. I have not taken the memorandum into account.

[4] On the face of the matter, as the successful party the respondent is entitled to a contribution to its costs. The bulk of those costs were incurred after the settlement offer was made, and could have been avoided if the respondent's offer had been accepted. Bearing in mind that the investigation meeting took less than a full day, I order Mr Pryce to contribute to the respondent's costs in the sum of \$1,500.

R A Monaghan

Member, Employment Relations Authority
