

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

BETWEEN Aaron J Reid (Applicant)
AND Shayne Kavanagh (Respondent)
REPRESENTATIVES Aaron J Reid In person
P B McMenamin, Counsel for Respondent
MEMBER OF AUTHORITY Helen Doyle
SUBMISSIONS RECEIVED 21 February 2005
10 March 2005
DATE OF DETERMINATION 12 April 2005

COSTS DETERMINATION OF THE AUTHORITY

[1] In my determination dated 2 February 2005 I did not find that Mr Reid had a personal grievance and reserved the issue of costs. I indicated in my determination that the parties should attempt in the first instance to reach agreement and referred to particular comments in my determination they could reflect on.

[2] Agreement was not reached. Mr McMenamin on behalf of the respondent says that Mr Kavanagh's actual costs inclusive of GST were \$1,350.00. The respondent says that he recognised some of the areas of criticism and took into account Mr Reid's personal circumstances and was therefore prepared to limit his claim to \$500.00.

[3] Mr Reid thought that Mr Kavanagh had a *cheek* to ask for any contribution toward costs.

[4] I am of the view notwithstanding Mr Reid's comments that Mr Kavanagh is entitled to something toward his costs. The circumstances do not exist in this case for me to conclude that there should be no order as to costs.

[5] I am of the view that an appropriate order for costs in the circumstances of this case which will be known to the parties would be one third of actual costs which I consider to be reasonable. That is the sum of \$450.00. If Mr Reid has difficulty with paying that amount then I am sure an agreement can be reached with Mr Kavanagh for payment by instalment over a reasonable period of time.

[6] I order Aaron Reid to pay to Shayne Kavanagh the sum of \$450.00 being costs.

Helen Doyle
Member of Employment Relations Authority