

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 120/08  
5075822

BETWEEN                      STEPHEN RIPPON  
Applicant

AND                              NORSAND LTD  
Respondent

Member of Authority:      Yvonne Oldfield

Representatives:           Bryce Quarrie for Applicant  
George Swanepoel for Respondent

Submissions received:     15 January 2008 from Applicant  
29 January 2008 from Respondent

Determination:              31 March 2008

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1]     In a determination dated 11 December 2007 I concluded that Mr Rippon had a personal grievance relating to a procedurally unfair redundancy and awarded him compensation pursuant to s. 123 (c) (i) of the Employment Relations Act. The parties have subsequently been unable to agree on the issue of costs and seek a determination on the issue from the Authority.

[2]     Mr Quarrie has informed the Authority that his client's actual costs were \$5,260.00 inclusive of GST. He says that the investigation (which took a day) was unnecessarily extended by the respondent's late provision of Minutes of the meeting of 24 October. He notes that costs should normally follow the event and submits that the applicant should receive a reasonable contribution to costs of \$3,000.00.

[3]     Mr Swanepoel notes that Mr Rippon was only partially successful and submits that the hearing time was extended by the pursuit of claims (for reimbursement and for profit share) that were not successful. He also notes that the respondent sustained

costs of \$4,558.38 and argues that in these circumstances costs should lie where they fall.

### **Determination**

[4] It is correct that only one part of Mr Rippon's original case was successful, although it is also true that his representative withdrew a claim for lost earnings early in the meeting and in so doing saved time for all concerned. It is also correct that the respondent tabled a crucial document (Minutes of the meeting of 24 October) part way through the investigation meeting. Further time would have been saved if the document had come in prior to the meeting as required by the investigation timetable.

[5] Weighing all these factors in the balance, I conclude that the respondent should make a modest contribution to Mr Rippon's costs. In all the circumstances I consider a contribution of \$2,000.00 to be fair and reasonable.

[6] **The respondent, Norsand Ltd, is ordered to pay to Mr Rippon the sum of \$2,000.00 as contribution to his costs.**

Yvonne Oldfield

Member of the Employment Relations Authority