

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Brett Samson (Applicant)
AND K & T Renata Transport Limited (Respondent)
REPRESENTATIVES Michael McFadden, for Applicant
Rodney Renata, for Respondent
MEMBER OF AUTHORITY Marija Urlich
INVESTIGATION MEETING 14 November 2006
DATE OF DETERMINATION 24 April 2007

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] The Authority issued a substantive determination of this matter on 13 December 2006 (AA377/06). Mr Samson's personal grievance for unjustified dismissal was upheld and were remedies awarded to him. The calculation of his outstanding holiday pay entitlement was referred to the Labour Inspectorate. Costs were reserved.

[2] On 18 December 2006 costs submissions were filed on behalf of Mr Samson seeking a significant contribution to the costs he had incurred in pursuing his personal grievance to the Authority, including reimbursement of the \$70 filing fee. These submissions were copied to the respondent. The respondent has not filed any costs submissions in reply.

[4] An investigation meeting was scheduled for 19 March 2007 to deal with a compliance application filed by Mr Samson. That investigation meeting was adjourned due to Mr Samson's ill health. It is now appropriate to determine the issue of costs as they relate to the substantive matter. The respondent has had ample opportunity to file any response to this issue.

[5] In his submissions Mr McFadden advises that Mr Samson's total costs for preparation and representation at the Authority hearing on 13 November 2006 are \$5139.60 (GST inclusive).

[6] Applying the principles applicable to the determination of costs in the Authority and taking into particular account the importance of the matter to the parties, that Mr Samson's

claim was largely successful, the length of the investigation meeting (not quite a full day) and the relatively straightforward nature of the issues to be determined by the Authority I set the contribution to costs at \$2000, plus reimbursement of the \$70 filing fee.

[7] K & T Renata Transport Limited is ordered to pay Mr Samson \$2000 as a contribution to costs reasonably incurred plus \$70 to reimburse the filing fee incurred in lodging the application.

Marija Urlich

Member, Employment Relations Authority