

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Brian Alex Schlegel (Applicant)
AND Lely New Zealand Limited (Respondent)
REPRESENTATIVES David Taylor, Counsel for Applicant
Mark Hammond, Counsel for Respondent
MEMBER OF AUTHORITY Vicki Campbell
SUBMISSIONS RECEIVED 15 June 2005 from the respondent
No submissions received from the applicant
DATE OF DETERMINATION 13 September 2005

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination of the substantive matter in the above, dated 9 May 2005, I found Mr Schlegel was justifiably dismissed and did not have a personal grievance. Costs were reserved.

[2] Counsel for Lely New Zealand Limited seeks a contribution to costs in the sum of \$4,000. This is a more than 1/2 of the costs actually incurred.

[3] 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 respondent was successful in its defence and is entitled to a reasonable contribution to reasonably incurred costs. The costs incurred are reasonable. The Investigation took one day and the matter was not legally complex.

[4] The respondent is to be paid the sum of \$2,500 in costs.

Vicki Campbell
Member of Employment Relations Authority