

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA138A/08  
5117564

BETWEEN                      NATHAN SCOTT  
   Applicant

AND                              GORRIE FUELS (SI)  
   LIMITED  
   Respondent

Member of Authority:      Philip Cheyne

Submissions:                6 October 2008 from Applicant  
   20 October 2008 from Respondent

Determination:              21 October 2008

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1]      On 18 September 2008 I upheld Mr Scott's claims for arrears of wages and holiday pay and found in favour of his personal grievance claim. Costs were reserved. Mr Scott lodged an application for cost and Gorrie Fuels (SI) Limited through Mr Gorrie has lodged a reply. This determination resolves the disputed question of costs.

[2]      Mr Scott represented himself and there is nothing in the material provided to suggest that he incurred legal fees getting advice about the proceedings. As Mr Gorrie points out Mr Scott is not able to claim costs for his own time preparing for and attending the investigation meeting. The same would have applied if Gorrie Fuels (SI) Limited had been the successful party.

[3]      Amounts are claimed for posting, printing, sundries, phone calls and emailing expenses. No receipts are provided. It seems that the claims are notional rather than expenses actually incurred. I decline to make any award.

[4]      Finally there is a claim for the application fee (\$70.00) and interest (\$10.00) totalling \$80.00. There is no basis for awarding interest but Mr Scott is entitled to

have his lodgement fee covered by Gorrie Fuels (SI) Limited. Mr Gorrie submits that the company should not have to pay Mr Scott's lodgement fee because of the finding that Mr Scott contributed to the circumstances of the dismissal. That confuses what are two distinct issues. The proper assessment of compensation in accordance with the statutory scheme has already been completed. By any measure Mr Scott is the successful party in these proceedings and there is nothing about his conduct that disentitles him to have costs assessed in the ordinary way.

[5] I also note that the lodgement fee was incurred because of the arrears claims, quite apart from the grievance. Mr Scott should not have needed to commence proceedings to recover the arrears without conditions.

[6] Accordingly I order Gorrie Fuels (SI) Limited to pay Mr Scott \$70.00 in costs.

Philip Cheyne  
Member of the Employment Relations Authority