

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 181A/10
5145839

BETWEEN GEORGE SPICE
 Applicant

AND FLETCHER CONCRETE AND
 INFRASTRUCTURE LTD
 Respondent

Member of Authority: Dzintra King

Submissions received: No submissions from Applicant
 14 May 2010 from Respondent

Determination: 25 June 2010

COSTS DETERMINATION OF THE AUTHORITY

[1] The applicant, Mr George Spice, was unsuccessful in his personal grievance claim. The parties have been unable to agree costs. The respondent now seeks costs.

[2] The respondent has incurred legal costs of \$11,113.00 and disbursements totalling \$798.98. These comprise:

- a. \$428.23 airfares
- b. \$150.22 accommodation costs
- c. \$11.11 taxi fares
- d. \$209.52 phone calls, document production and document delivery

[3] The investigation took half a day. The hearing time was unnecessarily extended because the applicant had not been given access to the respondent's written statements prior to the investigation meeting and it was necessary to adjourn in order to give an opportunity to do so.

[4] The respondent says that \$1,500 would represent a reasonable contribution to its legal costs. The respondent also seeks to recover the disbursements.

[5] The criteria for awards of costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808.

[6] The amount sought is very reasonable.

[7] The applicant is to pay the respondent the sum of \$1,500 in costs and \$798.98 disbursements.

Dzintra King

Member of the Employment Relations Authority