

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH OFFICE**

**BETWEEN** George Stanescu (Applicant)  
**AND** Lyn Sparks (Respondent)  
**REPRESENTATIVES** Marcus Elliott, Counsel for Applicant  
Richard E Knapp, Advocate for Respondent  
**MEMBER OF AUTHORITY** Helen Doyle  
**SUBMISSIONS RECEIVED** 26 May 2005  
10 June 2005  
**DATE OF DETERMINATION** 27 June 2005

**COSTS DETERMINATION OF THE AUTHORITY**

[1] In my determination dated 27 May 2005 I found that the applicant was not employed by the respondent but by a company, Business Immigration (N.Z.) Limited. I dismissed the proceedings against the respondent.

[2] Mr Knapp on behalf of the respondent provided a submission at the end of the investigation meeting for the preliminary matter with respect to the respondent's costs. The respondent seeks costs in the sum of \$1450.00 broken down as four hours preparation at \$175.00 per hour and a half day hearing at \$750.00.

[3] Mr Stanescu was to respond to the cost submission within 14 days from the date of my determination.

[4] Mr Stanescu has now instructed a solicitor Mr Elliott who has provided a submission as to costs. Mr Elliott submits that the question of costs be reserved pending the outcome of proceedings to be brought against Business Immigration (N.Z.) Limited as he submits that there is merit to Mr Stanescu's claim and proceedings will be lodged against the company. In the event that the Authority was not willing to reserve costs on this matter then Mr Elliott submits that the amount claimed is excessive and that costs were reserved with respect to an application for adjournment of an earlier investigation meeting at the respondent's request.

[5] The statement in reply filed in relation to the claim against Mr Sparks acknowledges that some money is owing to Mr Stanescu by the company but there is a dispute with respect to quantum. I would hope now that Mr Elliott has been instructed further discussions in an attempt to resolve the matter could take place.

[6] I am of the view that I should fix costs in relation to the preliminary investigation meeting at this stage. The investigation meeting with respect to the preliminary matter took less than one hour. The issues were clear and not complicated. I take into account the earlier request for an adjournment by the respondent with respect to which costs were reserved. In the circumstances the respondent's claim for costs in the sum of \$1450.00 is too high. A fair and reasonable contribution by Mr Stanescu in these circumstances would be one third of the costs claimed by the respondent which is the sum of \$483.00.

[7] George Stanescu is ordered to pay to Lyn Sparks the sum of \$483.00 being costs with respect to this matter.

Helen Doyle  
Member of Employment Relations Authority