

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AT AUCKLAND**

BETWEEN AND	Gary Sullivan (Applicant) Maxwell Marine Limited (Respondent)
REPRESENTATIVES	Graeme Norton for Applicant Paul Tremewan for the Respondent
MEMBER OF AUTHORITY	Robin Arthur
SUBMISSIONS RECEIVED	6 August 2006 (Applicant) and 16 August 2006 (Respondent)
DATE OF DETERMINATION	17 August 2006

COSTS DETERMINATION OF THE AUTHORITY

[1] By determination AA 249/06 the respondent was found to have unjustifiably dismissed the applicant. The applicant was awarded lost wages and compensation with some deduction for contribution. The parties were encouraged to agree any costs issues between them but were unable to do and have filed submissions.

[2] The applicant seeks \$3500 as a reasonable contribution to costs of representation totalling \$5400 plus GST. He also seeks reimbursement of expenses of \$110 and the Authority filing fee of \$70.

[3] The respondent submits that the one day investigation meeting in this matter warrants an award of "normal costs" only.

[4] Applying the principles guiding the Authority's discretion to award costs as set out in *PBO Ltd v Da Cruz* (EC, unreported, AC2A/05, 9 December 2005), the applicant is entitled to a modest award of costs. The nature of this case does not require variation from the notional daily rate for an uncomplicated one-day investigation meeting, broadly between \$1000 and \$3000.

[5] In this case an award of \$2000 costs is reasonable. The applicant is also entitled to reimbursement of expenses of \$109.30 and the filing fee of \$70. The respondent is to pay these sums within 28 days of the date of this determination.

Robin Arthur
Member of the Employment Relations Authority