

[4] Even although there was a paucity of evidence other than Mr Carstens' in support of his claim, as I stated in my substantive determination, it is indeed possible that Mr Carstens' assessment of the matter is correct. It follows from that that this was not a vexatious claim.

[5] Mr Carstens was aware throughout, however, that if he was unsuccessful he would have to meet at least some of Seven's costs. Mr Carstens is in full time employment and I do not accept, therefore, that he can not meet a reasonable award of costs against him, particularly over time.

[6] Mr Butterini, the managing director of Seven, did not represent it. He was merely a witness. This is not therefore a case for the awarding of executive time.

[7] In a one day case of this nature, the normal range of costs would be in the range of \$2,000-3,000. Given the fact that Mr Carstens unnecessarily cast the issues too widely, a contribution towards costs at a high level is required. I therefore order the applicant, Mr Brett Carstens, to pay to the respondent, Seven Electrical Limited, the sum of \$3,000 in costs.

G J Wood
Member of the Employment Relations Authority