

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 544
5336920

BETWEEN PHILIP COLLINGS
Applicant
AND HOWARD TMG LIMITED
Respondent

Member of Authority: R A Monaghan
Representatives: P Skelton for applicant
J Canterbury, advocate for respondent
Memoranda received: 1 December 2011 from applicant
Determination: 20 December 2011

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 15 November 2011 I found that Philip Collings was dismissed unjustifiably. Costs were reserved and counsel for the applicant has filed a memorandum on the matter.

[2] Mr Skelton sought a contribution to the applicant's costs in the sum of \$2,500. With reference to the principles in *PBO Limited v da Cruz*¹, as well as the time taken for the investigation meeting and the manner in which the matter was conducted, I consider the request reasonable.

[3] The Authority did not receive a response from the respondent within the timetabled period, although Mr Skelton attached a copy of correspondence he had received on the matter. The correspondence indicated that HTMG considered \$2,500 to be too high a proportion of the amount awarded to Mr Collings as compensation, and so was too much. That factor is not relevant and I would not take it into account. Mr Skelton also drew attention to HTMG's assertion that a payment of interest was

¹ [2005] ERNZ 808.

not part of the Authority's determination. There was an order for the payment of interest, and the order was part of the determination.

[4] HTMG is therefore ordered to contribute to Mr Collings' costs in the sum of \$2,500, plus the filing fee of \$71.56.

R A Monaghan

Member of the Employment Relations Authority