

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Paul Cunningham (Applicant)
AND Accent Commercial Interiors Limited (Respondent)
REPRESENTATIVES Michael McFadden, Advocate for Applicant
Michael Herk, Advocate for Respondent
MEMBER OF AUTHORITY R A Monaghan
MEMORANDA RECEIVED 30 August and 3 September 2002
DATE OF DETERMINATION 17 September 2002

DETERMINATION OF THE AUTHORITY ON COSTS

In a determination dated 14 August 2002 of the substantive matter between the parties I found that Mr Cunningham was unjustifiably dismissed and had a personal grievance on that ground. I reserved costs. The parties have now submitted memoranda on the matter.

The advocate for the applicant cited total costs for the one and a half-day investigation meeting of \$4,000 as the cost of representation, as well as disbursements of \$220. However he also said the cost of representation was a contingency-based fee, and since I awarded \$5,000 I have difficulty in understanding how the cost reached \$4,000. The advocate also sought a contribution on the basis of the principles usually applied in this jurisdiction. The advocate for the respondent cited the same principles. Quite correctly, neither advocate pointed to any aggravating or mitigating feature of this case in respect of these principles.

As the successful party, Mr Cunningham is entitled to a contribution to his costs. The respondent is ordered to pay him the sum of \$1,500 as a contribution to the cost of representation, plus \$220 in disbursements.

R A Monaghan
Member, Employment Relations Authority