

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Jason Downs (Applicant)
AND Switch Electrical Services Limited (Respondent)
REPRESENTATIVES Jason Downs
Lee Eagle
MEMBER OF AUTHORITY Marija Urlich
DATE OF DETERMINATION 24 August 2005

DETERMINATION OF THE AUTHORITY AS TO COSTS

Application for costs

[1] In a determination dated 30 May 2005, AA 200/05, I declined Jason Downs' application for leave to raise his personal grievance outside the statutory 90-day time limit.

[2] The final paragraph of the determination reserved costs in the following terms:

[11] Costs are reserved. If Switch Electrical has incurred legal expenses in opposing Mr Downs' application and wishes to seek costs in relation to those expenses then it should file and serve a memorandum of costs within 14 days of the date of this determination. Mr Downs will have a further 14 days to file and serve a memorandum in reply."

[3] On 3 June 2005 Lee Eagle, operations manager for Switch Electrical Services Ltd ("Switch Electrical"), filed a memorandum of costs with the Authority. Mr Eagle has advised the Authority he has not served a copy of his memorandum as to costs on Mr Downs.

Determination

[4] There will be no order of costs made in favour of Switch Electrical. The direction of the Authority that Mr Downs be notified of Switch Electrical's intention to seek an award of costs has not been complied with within the directed timetable.

Marija Urlich
Member of Employment Relations Authority