

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 289A/09  
5138604

BETWEEN                      OWEN GORDON FRENTZ  
   Applicant  
  
AND                                HIREQUIP LIMITED  
   Respondent

Member of Authority:      Dzintra King  
  
Submissions received:      10 September 2009 from Applicant  
   No submissions from Respondent  
  
Determination:                13 October 2009

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1]     The applicant, Mr Frentz, was successful in his personal grievance claim. The parties have been unable to agree costs. The applicant now seeks costs. The applicant has incurred legal costs of \$3,000 for the Authority proceedings.

[2]     The applicant incurred legal costs in defending himself in criminal proceedings and his counsel for the criminal charges was required to brief counsel for the Authority hearing. These costs were \$4,500.

[3]     The applicant seeks a contribution to the costs incurred in both the criminal and civil proceedings.

[4]     The criteria for awards of costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808.

[5]     I do not have jurisdiction to make any costs award for criminal proceedings.

[6]     The applicant is entitled to a reasonable contribution to his reasonably incurred costs which are the \$3,000 incurred for the Authority proceedings.

[7] The respondent is to pay the applicant the sum of \$2,000.

Dzintra King

Member of the Employment Relations Authority