

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Paul Geerlings (Applicant)
AND Danny Bryan (Respondent)
MEMBER OF AUTHORITY Alastair Dumbleton
SUBMISSIONS RECEIVED 23 May and 10 June 2005
DATE OF DETERMINATION 6 September 2005

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] The Authority determined that the applicant Mr Paul Geerlings had not been dismissed, actually, constructively or in any other way, by the respondent Mr Danny Bryan; see AA 162/05 dated 4 May 2005.

[2] Mr Bryan has applied for an order of costs against Mr Geerlings. Actual costs to Mr Bryan were \$4,250, although he acknowledges that \$1,237.50 of this was incurred in relation to mediation and is therefore not recoverable. An order is sought for the balance of \$3,012.50.

[3] Through Ms Stretton his representative, Mr Geerlings asks for costs to lie where they fall.

[4] I note that Mr Geerlings experienced some initial difficulties in securing the stable services of a legal advisor, but that is not a problem Mr Bryan should bear any responsibility for.

[5] On an application of basic principles to an uncomplicated employment relationship problem, I consider that Mr Bryan is justly entitled to recover a reasonable contribution to costs reasonably incurred. His actual costs are very moderate by comparison with those expended in other cases that are seen by the Authority from time to time. Mr Bryans good fortune in retaining an economical and efficient advocate is something that does have an advantageous flow-on effect for Mr Geerlings.

[6] The investigation meeting took less than one day and the result turned on exclusively factual issues. Bearing in mind the nature of an investigation and the more limited opportunities that arise in that process for a display of the full range of advocacy skills, and also bearing in mind the need for reasonable consistency among costs awards in the Authority, I fix \$1,700 as the amount of costs.

[7] Accordingly, pursuant to clause 15 of Schedule 2 of the Employment Relations act 2000, Mr Geerlings is to pay to Mr Bryan \$1,700 in costs.

A Dumbleton
Member of Employment Relations Authority