

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Kevin Harrison (Applicant)
AND Newmarket Panelbeaters Limited (Respondent)
REPRESENTATIVES Mark Nutsford, for Applicant
Greg Chapman, for Respondent
MEMBER OF AUTHORITY Y S Oldfield
SUBMISSIONS RECEIVED 1 June 2006 (applicant)
no submission from respondent
DATE OF DETERMINATION 14 August 2006

DETERMINATION OF THE AUTHORITY AS TO COSTS

1. In a determination dated 29 May 2006 I found that Mr Harrison was partially successful in his claim against Newmarket Panelbeaters Ltd. He established that he had a personal grievance of disadvantage, but not that he had been dismissed. I awarded him \$500.00 as compensation for hurt and humiliation. Mr Harrison's representative, Mr Nutsford, has now made submissions claiming that I should award his client full costs of \$1,305.00. In support of this claim he notes:

"at all times throughout the process surrounding this matter, the respondent made no attempt to communicate with me for the purposes of defusing this matter. Had he done so the matter may not have progressed to the extent that it did."

2. The Authority has copied Mr Nutsford's submission to the respondent but has received no reply. I now proceed therefore to determine the question of costs.
3. The respondent was within its rights to defend the matter and as my determination explains, had partial success in doing so. I am not satisfied that an award of full or even substantial costs is warranted. This was an uncomplicated matter which required little preparation and a brief meeting. After perusing Mr Nutsford's invoice I consider an award of \$300.00 plus disbursements to be a reasonable contribution to Mr Harrison's costs.
4. Newmarket Panelbeaters Ltd is therefore ordered to pay to Mr Harrison the sum of \$300.00 towards his costs plus disbursements of \$11.25.

Y S Oldfield
Member of Employment Relations Authority