

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN David Townsend (Applicant)
AND Prospace Designz Limited (Respondent)
REPRESENTATIVES F Mackay for Applicant
S Burlace for Respondent

MEMBER OF AUTHORITY G J Wood

SUBMISSIONS RECEIVED 18 July 2005
DATE OF 20 July 2005
DETERMINATION

COSTS DETERMINATION OF THE AUTHORITY

1. Mr Townsend was successful in his claim for unjustified dismissal by the respondent (Prospace), except that remedies that would otherwise have been paid to him were reduced by half because of his contributory conduct. I therefore ordered Prospace to pay Mr Townsend \$3,000 in compensation and \$2,165.23 gross in lost remuneration.
2. On behalf of Mr Townsend Mr Mackay seeks \$5,113.89 in costs (out of total costs of \$7,748.33), plus expenses of \$70. The claim included costs for a second mediation agreed to by the parties.
3. On behalf of Prospace Ms Burlace considers that costs for mediation should not be awarded even when it occurs when an Authority application has already been made. Mediation is the preferred method of problem resolution under the Act. It occurs in complete confidence and is quite separate from the Authority's processes. I therefore accept that it is not appropriate for costs to be claimed for mediation, even when an application is filed in the Authority.

4. Ms Burlace further submitted that Mr Townsend was only successful on a technicality and that because of his contributory fault costs should lie where they fall. She also noted that Mr Townsend's costs were greatly in excess of those incurred by Prospace.
5. This was a standard investigation meeting into an employment relationship problem. It was efficiently handled by both parties and their representatives. Taking into account the fact that Mr Townsend was not successful in all of his claims, the usual range of awards made by the Authority is appropriate. I consider an award of \$1,800 in costs is justified in this case.
6. I therefore order the respondent, Prospace Designz Limited, to pay to the applicant, David Townsend, \$1,800 in costs and \$70 in expenses.

G J Wood
Member of Employment Relations Authority