

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**AA 185/10  
5098820**

BETWEEN      SIMON PAUL WESTWELL  
                         Applicant  
  
AND              CLINTON IVAN WHEELER  
                         Respondent

Member of Authority:    Leon Robinson  
  
Investigation Meeting:    Consideration on Papers  
  
Determination:            23 April 2010

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**DETERMINATION OF THE AUTHORITY**

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- [1] Mr Westwell makes application for the investigation to be reopened.
- [2] Mr Westwell was not awarded costs because of a calderbank offer. He seeks to have the costs application reopened because he informs the Authority the said calderbank offer involved other contemporaneous proceedings in addition to matters in this Authority.
- [3] I have seen correspondence between the parties concerning the calderbank offer. I accept that the calderbank offer is of a wider ambit than initially considered.
- [4] I am persuaded that it is just that I should revisit the matter and reconsider the costs application earlier made. Accordingly, I reopen this application for costs.
- [5] I ask Mr Wheeler to lodge in the Authority before 10 May 2010 any further submission he wishes to make in relation to costs and I will re-determine the application for costs thereafter.

Leon Robinson  
**Member of Employment Relations Authority**