

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN George Simonovski (Applicant)
AND Harvey Norman Stores (NZ) Pty Limited (Respondent)
REPRESENTATIVES Applicant in person
Emma Huston, Counsel for Respondent
MEMBER OF AUTHORITY Alastair Dumbleton
COSTS SUBMISSIONS 13 and 19 October 2005
RECEIVED
DATE OF DETERMINATION 18 November 2005

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] As the parties have been unable to resolve the question themselves, the Authority now fixes costs for the investigation and determination of the employment relationship problem Mr George Simonovski raised against his former employer Harvey Norman Stores (NZ) Pty Limited (HNS).

[2] For the reasons set out in its determination dated 13 September 2000 (issued under AA 365/05), the Authority held that Mr Simonovski's dismissal by HNS was a justified dismissal. In all respects HNS was found to have met the statutory test of justification found in s.103A of the Employment Relations Act 2000 (as amended from 1 December 2004).

[3] HNS sought \$2,000 as a contribution to a higher amount of actual costs incurred in preparing for and participating in the one day investigation meeting. Mr Simonovski responded by offering to pay \$2,000, but by instalments of \$100 per month. Alternatively or in addition, he offered to provide carpet and upholstery cleaning services to HNS.

[4] HNS does not require the services but are happy to receive payment by instalment. I consider that 16 months is a generous enough time frame within which the \$2,000 can be repaid.

[5] Accordingly, under clause 15 of Schedule 2 of the Act, the Authority orders Mr Simonovski to pay HNS costs of \$2,000 at the rate of \$125 per month commencing from the 30th day of November 2005.

A Dumbleton
Member of Employment Relations Authority