

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 17/10
5120391

BETWEEN ANTON PIRES
 Applicant

AND NORFOLK ELECTRICAL &
 MECHANICAL LTD
 TRADING AS CLIMATECH
 Respondent

Member of Authority: Vicki Campbell

Representatives: Joanne Watson for Applicant
 Stephen Langton for Respondent

Submissions Received: 18 December 2009 from Applicant
 3 December 2009 from Respondent

Determination: 19 January 2010

COSTS DETERMINATION OF THE AUTHORITY

[1] In my determination dated 6 November 2009 I found the Respondent had paid all commissions due to Mr Pires and ordered Mr Pires to repay commission payments which the respondent had overpaid to him.

[2] I reserved the question of costs and invited the parties to resolve the matter between them. They have been unable to do so and I am now in receipt of memorandum from both parties.

[3] The principles appropriate to the exercise of the Authority's discretion in relation to costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz*¹. Costs will generally follow the event and awards will be modest. The investigation into the Applicant's claim and the Respondent's counter-claim took less than one day.

¹ [2005] 1 ERNZ 808.

[4] The Respondent seeks a contribution to its costs of \$3,500. There is no information with respect to the actual costs incurred by the Respondent and therefore I am unable to assess the reasonableness of the claim for costs.

[5] Having considered the submissions of both parties I consider it appropriate to award costs according to the Authority's daily tariff. I regard that tariff as ranging between \$1,500 to \$3,000 per day.

[6] Having regard to the nature and length of the investigation meeting and in the principled exercise of my discretion **I order Mr Pires to pay to Norfolk Electrical and Mechanical Limited t/a Climatech the amount of \$1,000 as costs.**

Vicki Campbell
Member of Employment Relations Authority