

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2011] NZERA Auckland 200
5336816

BETWEEN	NZ SECURITY FENCING & GATES LIMITED T/- COTTERILL SECURITY & FENCING Applicant
AND	LUKE SMITH Respondent

Member of Authority:	Vicki Campbell
Representatives:	Ian Pound for Applicant Respondent in Person
Investigation Meeting:	12 May 2011
Determination:	13 May 2011

DETERMINATION OF THE AUTHORITY

- A Mr Smith is ordered pay to NZ Security Fences and Gates Limited the amount of \$692.96 on or before 12 August 2011.**
- B Mr Smith is ordered to reimburse the Applicant's filing fee of \$71.56.**

[1] This is an application for reimbursement of various sums against Mr Luke Smith who worked for NZ Security Fencing and Gates Limited T/- Cotterill Security & Fencing (Security Fencing & Gates). Mr Smith has failed to lodge a statement in reply despite receiving the statement of problem on 16 March 2011.

[2] Prior to the investigation meeting the parties had not attended mediation, however, given the lack of response from Mr Smith to the statement of problem, the Authority concluded that a direction to mediation would not contribute constructively resolving the matter.

[3] Mr Smith attended the investigation meeting after being served the Notice of Investigation Meeting personally by Security Fencing & Gates. He proceeded to apply for leave to respond to the matter. As it is always preferable that an application be dealt with on its merits and because I did not appreciate there would be any prejudice to Security Fences and Gates in granting leave, Mr Smith was granted leave to respond.

The claims

[4] Security Fences and Gates seeks the following orders from the Authority:

- Reimbursement of \$416.16 advanced at his request;
- reimbursement of \$127.80 for personal calls made on the company provided cell phone; and
- reimbursement of \$149.00 being the cost of company property not returned when Mr Smith left his employment.

[5] Mr Smith does not dispute that he owes Security Fencing and Gates the amounts sought. He has agreed that he will pay all sums due within 3 months of the date of the investigation meeting being Friday 12 August 2011.

Order

[6] Mr Smith is ordered to pay to NZ Security Fences and Gates Limited the amount of \$692.96 on or before 12 August 2011.

Costs

[7] Mr Smith is further ordered to reimburse the Applicant's filing fee of \$71.56.

Vicki Campbell
Member of Employment Relations Authority