

**IN THE EMPLOYMENT COURT
AUCKLAND**

**[2014] NZEmpC 225
ARC 88/10**

IN THE MATTER OF a challenge to a determination of the
Employment Relations Authority

AND IN THE MATTER of an application for costs

BETWEEN STEPHEN DAVIS
Plaintiff

AND COMMISSIONER OF POLICE
Defendant

CRC 31/13

AND IN THE MATTER of an application for costs

BETWEEN STEPHEN DAVIS
Plaintiff

AND COMMISSIONER OF POLICE
Defendant

Hearing: By memoranda filed on 21 November 2014

Judgment: 12 December 2014

**JUDGMENT OF JUDGE M E PERKINS
IN RESPECT OF DISBURSEMENTS CLAIM**

[1] In a costs judgment issued on 23 October 2014¹ the matter of the claim for disbursements by the Commissioner was reserved. A direction was made that copies of all invoices supporting the disbursement claim were to be provided to the Court and Mr Davis. A further judgment would then be issued. In a memorandum dated

¹ *Davis v Commissioner of Police* [2014] NZEmpC 195.

21 November 2014, counsel for the Commissioner has provided a full schedule of disbursements supported by copies of invoices.

[2] Mr Davis was given an opportunity to respond to the further memorandum but has failed to do so within the time period provided.

[3] The total claim to disbursements is now \$20,136.33. This figure is less than the disbursements figure originally claimed by the defendant.

[4] Having considered the schedule and the invoices attached, the claim to disbursements is allowed except in one respect. In the schedule there are claims to disbursements in November 2011. These are disbursements relating to a settlement meeting in Christchurch in October 2011. It appears that the defendant agreed to cover the expenses incurred by Mr Davis's legal representatives in travelling to and from Christchurch for that meeting. I have been provided with no details of the basis upon which these expenses were met by the defendant or the conditions attaching. It seems to me that if the defendant agreed to cover those expenses then they should not be claimed back from Mr Davis. Accordingly, those items are disallowed. They amount in total to \$1,393.40 and this figure is to be deducted from the total claim of \$20,136.33 leaving a balance of \$18,742.93.

[5] Mr Davis is therefore ordered to pay this sum to the defendant.

M E Perkins
Judge

Judgment signed at 11.30 am on 12 December 2014