

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Jim Hammond & Murray Youngman (Applicant)

AND Bakel's Edible Oils (NZ) Ltd(Respondent)

REPRESENTATIVES Tim Oldfield (for Applicants)
Peter Gaskin (for Respondent)

MEMBER OF AUTHORITY Janet Scott

DATE OF DETERMINATION 2 May 2007

COSTS DETERMINATION

The Authority issued a determination in this matter on 15 January 2007. Costs were reserved on the basis that the parties were to attempt to resolve the matter between them. They have been unable to do so and the parties have now forwarded submissions so that the Authority can determine the matter.

The applicant seeks costs in the sum of \$888.88 plus disbursements of \$622.10.

Submissions for the respondent argue that costs should be allowed to lie where they fall because the respondent incurred significant costs in defending the matter because the applicants failed to raise their concerns in a timely manner that would have allowed the issues to have been avoided.

Discussion

The principles to be followed in setting costs are set out in PBO Ltd v Da Cruz [2005] 1 ERNZ.

The applicants were represented by their Union and were successful in their claim. I accept it is appropriate to award costs to a Union that has successfully represented its members and the claim submitted is extremely modest given the hearing took a whole day and called for preparation consistent with such a hearing involving two applicants.

Determination

Costs in this matter should follow the event.

Having regard to all the circumstances and the principles set out in Da Cruz (cited above) I direct the respondent pay to the applicants the sum of \$888.88 plus disbursements (being costs actually incurred) of \$429.10.

Janet Scott
Member of the Employment Relations Authority