

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 263/10
5163919

BETWEEN	MICHAEL MOORELAND Applicant
AND	PAUL & SHERYL JOHNSTONE TRADING AS JOHNSTONE FARMING PARTNERSHIP Respondent

Member of Authority:	Vicki Campbell
Representatives:	Eric Tanner for Applicant Monique Rush for Respondent
Submissions Received:	10 May 2010 for Applicant 23 April 2010 for Respondent
Determination:	1 June 2010

COSTS DETERMINATION OF THE AUTHORITY

[1] By determination dated 26 March 2010 I held Mr Mooreland was unsuccessful in his various claims for breaches of the Employment Relations Act and arrears of wages with the exception that I found an amount of \$1,138.52 to have been unlawfully deducted from Mr Mooreland's final and ordered the sum be reimbursed.

[2] I reserved the question of costs, indicating that costs should lie where they fell but encouraged to parties to settle this matter between them. They have been unable to do so and I am now in receipt of memorandum from the Respondent seeking a contribution to its costs.

[3] The conventional rule is that costs follow the event. In this case both parties had a modicum of success. I am not persuaded by the submissions of counsel to alter my preliminary view that costs ought to lie where they fall and that remains my view.

[4] In the principled exercise of my discretion I order that neither party shall have costs against the other.

Vicki Campbell
Member of Employment Relations Authority