

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 278A/10
5291621

BETWEEN NEW ZEALAND DAIRY
 WORKERS UNION TE
 RUNANGA WAI U INC
 Applicant

AND FONTERRA CO-OPERATIVE
 GROUP LIMITED
 Respondent

Member of Authority: Marija Urlich

Representatives: Helen White, Counsel for Applicant
 Sally Beard, Counsel for Respondent

Submissions received: 18 June 2010, from Applicant
 25 June 2010 from Respondent

Determination: 25 June 2010

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 11 June 2010 the Authority determined a dispute between the parties as to the meaning and application of clause 10 of their collective employment agreement. The parties were invited to resolve the issue of costs themselves, and in the event this was not possible to file costs memoranda. The determination foreshadowed costs may lie where they fell given the nature of the employment relationship problem.

[2] Ms White's submissions seek an order that costs should lie where they fall. Ms Beard advises Fonterra will not be seeking costs in relation to this matter.

[3] Consistent with the objective of the parties collective employment agreement to resolve disputes without undue disruption to Fonterra's activities and the usual

practise in the Authority when dealing with disputes, giving due regard to the *Da Cruz*¹ principles, costs are to lie where they fall.

Marija Urlich

Member of the Employment Relations Authority

¹ [2005] 1 ERNZ 808