

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 297A/10  
5281263

BETWEEN                      WAYNE DABB  
   Applicant  
  
AND                              K & S EMPLOYMENT  
   AGENCY LIMITED  
   Respondent

Member of Authority:      Vicki Campbell  
  
Representatives:            James Parlane for Applicant  
   Samuel Hood for Respondent  
  
Submissions Received:    21 July and 3 August 2010 from Applicant  
   28 July 2010 from Respondent  
  
Determination:              19 October 2010

---

**COSTS DETERMINATION OF THE AUTHORITY**

---

[1]        In a determination AA 297/10 dated 25 June 2010 Mr Dabb was successful in his claim that he had been unjustifiably dismissed by K & S Employment Agency Limited. In its determination the Authority reserved the question of costs and invited the parties to resolve the matter between them.

[2]        Mr Dabb's actual costs as set out in Mr Parlane's submissions were \$4,247.00, however, it is noted that these costs include amounts attributable to mediation and not the Authority investigation process. On that basis the actual costs incurred by Mr Dabb for his claims in the Authority were \$3,321.00.

[3]        The principles appropriate to the exercise of the Authority's discretion in relation to costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz*<sup>1</sup>. Costs will generally follow the event and awards will be modest. The costs incurred by Mr Dabb for a ½ day hearing seem modest and reasonable in all the circumstances.

---

<sup>1</sup> [2005] 1 ERNZ 808.

[4] Having regard to the nature and length of the investigation meeting and in the principled exercise of my discretion **I order K & S Employment Agency Limited to pay to Mr Dabb the amount of \$1,000 as costs.**

Vicki Campbell  
Member of Employment Relations Authority