

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 3/08  
5042204

BETWEEN                      TONY OOSTHUYSEN  
   Applicant  
  
AND                              HUMES                      INDUSTRIES  
   LIMITED  
   Respondent

Member of Authority:      James Crichton  
  
Representatives:            Peter Macdonald, Advocate for Applicant  
   Scott Fairclough, Counsel for Respondent  
  
Submissions received:      2 November 2007 from Applicant  
   8 October 2007 and 2 November 2007 from Respondent  
  
Determination:              16 January 2008

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**COSTS DETERMINATION OF THE AUTHORITY**

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**The application for costs**

[1] By determination dated 2 October 2007, the Authority resolved the employment relationship problem between these parties by determining that Mr Oosthuysen had no viable personal grievance.

[2] Costs were reserved.

**The claim for costs**

[3] Humes Industries Limited, as the successful party, seeks a contribution to its costs which it indicates total \$2,962 exclusive of costs associated with the mediation.

[4] Mr Oosthuysen, through his representative, encourages the Authority to allow costs to lie where they fall but in the event that that submission is not accepted, proposes a modest contribution to costs in the sum of \$500.

[5] This was a matter which was dealt with in an investigation meeting of barely four hours in duration and in the normal course of events, applying the tariff-based approach which the Authority frequently uses in matters of this kind, an appropriate upper limit for such a matter would be \$1,500. This is the figure which Humes Industries Limited's submission suggests would be an appropriate contribution to its costs and there is logic to that submission.

### **The legal principles**

[6] It is not necessary to traverse the law in relation to costs in an Authority setting. The matter has been thoroughly and helpfully set out in the Full Court's decision in *PBO Ltd v Da Cruz* [2006] 7 NZELC 98, 128.

### **Determination**

[7] I am satisfied that an appropriate contribution to the costs of Humes Industries Limited by Mr Oosthuysen is the sum of \$1,250. This amount reflects the length of the hearing and the appropriateness of the overriding principle that, in general, costs should follow the event.

James Crichton  
Member of the Employment Relations Authority