

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Brian Derek Read (Applicant)
AND Peter Craig Darrah (Respondent)
REPRESENTATIVES Alex Hope, Counsel for Applicant
Peter Darrah in person
MEMBER OF AUTHORITY Vicki Campbell
SUBMISSIONS RECEIVED 12 November 2004
DATE OF DETERMINATION 9 February 2005

DETERMINATION OF THE AUTHORITY AS TO COSTS

- [1] The Authority found in its determination dated 30 September 2004 that Mr Brian Read did not have a personal grievance and had not been constructively dismissed. Mr Read was, however, successful in his claim for arrears of wages. Mr Darrah was also successful in his counter-claim for money owed on an unpaid power account.
- [2] I invited the parties to resolve the matter of costs between them and in case those efforts were unsuccessful I provided a timetable for filing costs submissions. I have received and read costs submissions filed by Mr Hope on behalf of Mr Read. Mr Darrah represented himself at the investigation meeting and has not provided any submissions relating to costs.
- [3] This case was important to the parties with both being partially successful. The case was not complex and the investigation meeting was concluded within ½ a day.
- [4] After consideration of the submissions received I conclude that on balance, as a matter of discretion in equity and good conscience, costs should lie where they fall and it is so ordered.

Vicki Campbell
Member of Employment Relations Authority