

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 15A/08  
5071661

BETWEEN                      KERRY WILLIAMS  
   Applicant

AND                              THE WAREHOUSE LIMITED  
   Respondent

Member of Authority:      Dzintra King

Representatives:            Chris Lennon, Advocate for Applicant  
   Penny Swarbrick, Counsel for Respondent

Memoranda Received:      10 March 2008  
   No memorandum received from applicant

Determination:              19 May 2008

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1]      The applicant, Mr Kerry Williams, was unsuccessful in his personal grievance claim. The parties have been unable to resolve the matter of costs. Mr Lennon, who apparently acted for the applicant in a personal capacity rather than as an employee of the Unite union, no longer represents Mr Williams. Mr Williams has not responded to correspondence regarding costs.

[2]      The respondent has incurred legal fees in excess of \$10,000. It seeks an award of \$2,000.

[3]      The principles applicable to an award of costs in the Authority have been set out in *PBO Limited v Da Cruz* [2005] 1 ERNZ 808. The Full Court set out a number of principles including that costs generally follow the event, are frequently judged against a notional daily rate and that awards will be modest.

[4]      These principles have been recognised by the respondent in seeking the sum of \$2,000.

[5] The applicant is to pay the sum of \$2,000 in costs to the respondent.

Dzintra King

Member of the Employment Relations Authority