

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Colin Lewis (Applicant)
AND Welding Engineers (NZ) Limited (Respondent)
REPRESENTATIVES Dylan Marriott, Advocate for Applicant
Peter Blackwell, Advocate for Respondent
MEMBER OF AUTHORITY R A Monaghan
MEMORANDA RECEIVED 22 November and 12 and 20 December 2005
DATE OF DETERMINATION 12 January 2006

DETERMINATION OF THE AUTHORITY ON COSTS

[1] In a determination of the above, dated 18 October 2005, I found Mr Lewis was not dismissed, but was owed holiday pay. Costs were reserved, and the parties have approached the Authority about them.

[2] Each party sought a contribution to costs from the other in the sum of \$1,500, leading to a submission from Mr Lewis that costs should lie where they fall.

[3] Since both parties were partly successful I regard that at a sensible approach. It is the conclusion I would have reached regardless of Mr Lewis' submission, having weighed the degree of success of each party as well as the claimable costs they are likely to have incurred.

[4] Costs will therefore lie where they fall.

R A Monaghan
Member, Employment Relations Authority