

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Siale Talakai (Applicant)
AND Amcor Flexibles Ltd (Respondent)
REPRESENTATIVES P Pa'u (for Applicant)
Gretchen Stone (for Respondent)
MEMBER OF AUTHORITY Janet Scott

DATE OF DETERMINATION 14 March 2007

COSTS DETERMINATION

[1] The parties have been unable to settle the issue of costs between them and the respondent has requested (13 February 2007) that the Authority determine the matter of costs on the basis of submissions received from the parties on 15 and 28 November 2005.

[2] In its determination dated 27 September 2005 the Authority dismissed the applicant's claim that he had been unjustifiably dismissed.

[3] The respondent seeks an award of costs. Evidence has been provided of costs incurred in defending the matter (\$8,812.71). The respondent submits it was required to undertake considerable additional work as a result of the fact that the applicant was unrepresented at the hearing. The respondent seeks an award of \$2,000 as a contribution towards its costs in defending the matter.

[4] Counsel for the applicant submits there was nothing exceptional about the case and that nothing raised in the respondent's submissions warrants an award in excess of the normal award of costs in the Authority. Counsel notes that Mr Talakai is unemployed and is a man of limited means. In the circumstances an award of \$1,000 would be just and equitable.

Determination

[5] Costs in this matter should follow the event and be set having regard to the principles in *PBO Ltd v Da Cruz* AC 2A/05. I note as a matter of principle, applicants should not be discouraged from representing themselves in the Authority and I am not weighing this against Mr Talakai in a costs setting.

[6] Having regard to all the circumstances and the principles in *PBO Ltd* (cited above), I direct that Mr Talakai is to pay the respondent the sum of \$1,500 to reimburse it for costs incurred in defending the matter.

Janet Scott
Member of the Employment Relations Authority