

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Tracy Lynette Wanoa (Applicant)

AND Kaiti Mall Liquor Limited t/a Scotty's Bar and Grill (Respondent)

REPRESENTATIVES Mark Webster, Counsel for Applicant
Nicola Miekle, Counsel for Respondent

MEMBER OF AUTHORITY Leon Robinson

SUBMISSIONS RECEIVED 2 September 2005
6 September 2005

DATE OF DETERMINATION 7 September 2005

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] By a Determination issued on 19 August 2005¹, I ordered Kaiti Mall Liquor Limited trading as Scotty's Bar & Grill ("KMLL") to comply with an earlier Consent Determination² on certain specified terms ("compliance order"). I also ordered that the applicant Ms Tracy Wanoa ("Ms Wanoa") be reimbursed her lodgement fee.

[2] Ms Wanoa now asks that I exercise my discretion to grant her costs in respect of the application for compliance order. Her representative provides time records to the Authority detailing time incurred on Ms Wanoa's file valued at \$462.52. That sum is said to constitute total legal expenses.

[3] KMLL's representative says that the Authority's compliance order is precisely the offer made by KMLL by way of compromise but which Ms Wanoa rejected. Accordingly, it is submitted that there should be no order for costs.

[4] Ms Wanoa had little choice but to seek a compliance order as a result of KMLL's failure to meet its obligations arising from the Authority's Consent Determination. Costs will follow Ms Wanoa's successful application for compliance, but on a contribution basis. I consider the advised costs are reasonable and that a reasonable contribution to them is \$300.00. **I order Kaiti Mall Liquor Limited trading as Scotty's Bar & Grill to pay to Tracy Wanoa the sum of \$300.00 as a contribution to costs.**

Leon Robinson
Member of Employment Relations Authority

¹ AA316/05

² AEA114/05