

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

CA 97/08
5038713

BETWEEN CINDY MARIE SCOLES
Applicant

AND NGA CLARKE'S LIMITED t/a
BLACK SWAN TEA ROOMS
AND MOTELS
Respondent

Member of Authority: Paul Montgomery

Representatives: Jenny Guthrie, Counsel for Applicant
Keri Kereru, Counsel for Respondent

Submissions received: 4 September 2007 for Applicant
18 September 2007 for Respondent

Determination: 10 July 2008

COSTS DETERMINATION OF THE AUTHORITY

[1] At the time of issuing the substantive determination, the Authority invited counsel to attempt to resolve the matter of costs between themselves. They have been unable to do so and the task now falls to the Authority.

[2] The issues were not particularly complex and the investigation meeting took approximately four hours. The statements of evidence were of moderate length and complexity.

[3] The Employment Court in *PBO Ltd v. Da Cruz* (AC2A/05) sets out the matters the Authority needs to consider when setting costs. The Court cites with approval a *tariff based* approach provided this is not applied slavishly without regard to the particular facts of a given case. I am of the view that this case, straightforward as it was, is one where a tariff based approach is warranted.

[4] Ms Scoles was successful with one of her claims while the respondent was successful in repelling the others. In such circumstances, as Ms Kereru submits, costs might lie where they fall. I have certainly considered that submission. However, in this case I have decided that costs should follow the event.

[5] Given the nature of the case and the time involved, I order the respondent to pay the applicant the sum of \$1,000 as a contribution to her legal expenses which I accept were reasonably incurred. I also order the respondent to repay Ms Scoles the filing fee of \$70.

Paul Montgomery
Member of the Employment Relations Authority