

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 50A/10
5277576

BETWEEN NATASHA HOLLAND
 Applicant

AND BRIGHT BABES LIMITED
 TRADING AS BRIGHT
 BABES EARLY CHILDHOOD
 CENTRE
 Respondent

Member of Authority: Vicki Campbell

Representatives: Alan Taylor for Applicants
 Myriam Selman for Respondent

Submissions Received: No submissions from Applicant
 5 March 2010 from Respondent

Determination: 26 April 2010

COSTS DETERMINATION OF THE AUTHORITY

[1] In my determination dated 8 February 2010 I found Bright Babes Limited trading as Bright Babes Early Childhood Centre (“Bright Babes”) had not breached the Record of Settlement signed between the parties, or section 149 of the Employment Relations Act.

[2] I reserved the question of costs and invited the parties to resolve the matter between them. They have been unable to do so and I am now in receipt of memorandum from the Respondent.

[3] The principles appropriate to the exercise of the Authority’s discretion in relation to costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz*¹. Costs will generally follow the event and awards will be modest.

¹ [2005] 1 ERNZ 808.

[4] I have considered the submissions made by the Respondent and I am satisfied that the discretion under clause 15 of Schedule 2 of the Act ought to be exercised in favour of Bright Babes.

[5] The actual costs incurred by Bright Babes was \$6,167.00 excluding GST plus \$431.69 in disbursements. Bright Babes seeks a contribution of between \$100% - 80% of these costs.

[6] While at first glance the matter did not appear complex and was decided on the papers, I accept the submissions on behalf of the Respondent that the issues raised by Ms Holland through her statement of problem required thorough researching of reporting requirements applicable to teachers. I found the submissions on these points from the Respondent to be of particular use when reaching my conclusions about the allegations from Ms Holland that Bright Babes had breached of the Record of Settlement.

[7] Having regard to the nature of the matter before the Authority and in the principled exercise of my discretion **I order Ms Holland to pay to Bright Babes Limited trading as Bright Babes Early Childhood Centre the amount of \$1,500.00 as costs plus disbursements of \$431.69.**

Vicki Campbell
Member of Employment Relations Authority