

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 228A/10  
5279674

BETWEEN

MARY BARRATT  
Applicant

AND

TE PUNA REO O WAIRAKA,  
UNITEC MAORI KAUPAPA,  
EARLY CHILDHOOD  
CENTRE INC.  
Respondent

Member of Authority: Vicki Campbell

Representatives: Rodney Hooker for Applicant  
Glenn Finnigan for Respondent

Submissions Received: 15 June 2010 from Applicant  
28 June 2010 from Respondent

Determination: 30 September 2010

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In a determination dated 17 May 2010 the Authority held Ms Barratt had been unjustifiably dismissed. 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.

[2] 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*<sup>1</sup>. Costs will generally follow the event and awards will be modest.

[3] I have considered the submissions made by the parties and I am satisfied that the discretion under clause 15 of Schedule 2 of the Act ought to be exercised in favour of Ms Barratt.

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<sup>1</sup> [2005] 1 ERNZ 808.

[4] The applicant has not provided the Authority with any information regarding the actual costs incurred by Ms Barratt. The Authority is not in a position to determine whether Ms Barratt's actual costs were incurred reasonably. Ms Barratt seeks a contribution to her costs of \$9,000.00.

[5] The matter was not overly complex and took one day for investigation. Having regard to the matter before the Authority and in the principled exercise of my discretion **Te Puna Reo O Wairaka, Unitec Maori Kaupapa, Early Childhood Centre Inc is ordered to pay to Ms Barratt the amount of \$3,000.00 as a contribution to her costs.**

Vicki Campbell  
Member of Employment Relations Authority