

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 157A/10  
5159659

BETWEEN	KAREN KIRK Applicant
AND	TODD & STACEY TREGOWEATH AND THOMAS HARRIS & DAWN MARTIN T/A ZINC INNOVATION INTASTE RESTAURANT Respondent

Member of Authority:	Vicki Campbell
Representatives:	Alan Taylor for Applicant Thomas Harris and Dawn Martin for Respondent
Submissions Received:	5 May from Applicant 18 May from Respondent
Determination:	1 June 2010

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] By determination dated 7 April 2010 I ordered the Respondent to comply with Determination AA 346/08. In my determination I reserved the question of costs and encouraged to parties to settle this matter between them. They have been unable to do so and I am now in receipt of memorandum from both parties.

[2] Ms Kirk seeks a contribution to her costs of \$1,500. Under normal circumstances this would be a reasonable contribution to her costs. However the submissions received from the Respondent show that its financial situation is precarious to say the least.

[3] The conventional rule is that costs follow the event, however, given the circumstances of the Respondent and on the principled exercise of my discretion I order that neither party shall have costs against the other.

Vicki Campbell  
Member of Employment Relations Authority