

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Atiria Armstrong (Applicant)  
**AND** Tauranga Women's Refuge Inc (Respondent)  
**REPRESENTATIVES** Kerry Amodeo, Counsel for Applicant  
Tania Waikato, Counsel for Respondent  
**MEMBER OF AUTHORITY** Vicki Campbell  
**SUBMISSIONS RECEIVED** 3 February 2005 from Applicant  
4 February 2005 from Respondent  
**DATE OF DETERMINATION** 25 February 2005

**COSTS DETERMINATION OF THE AUTHORITY**

- [1] In a determination in the above matter dated 23 December 2004 I found Ms Armstrong had a personal grievance in respect of her unjustified dismissal. Costs were reserved.
- [2] Mr Amodeo, for Ms Armstrong, has asked the Authority to determine the matter. He said Ms Armstrong had incurred costs in excess of \$15,000 and sought a contribution in the sum of \$5,000. No details of how the costs were incurred by Ms Armstrong were provided to the Authority except to say that Mr Amodeo's costs included the expense of travel to and from Auckland and overnight accommodation.
- [3] I have also received costs submissions from Ms Waikato on behalf of the respondent. Ms Waikato submits that the costs associated with Mr Amodeo's travel and accommodation are not reasonable given that Ms Armstrong could have appointed any number of competent solicitors from the local area to handle her claims. Ms Waikato submits that a fair contribution to reasonable costs is \$2,500.
- [4] I am of the view this is an appropriate case for an award of costs. The case was important to both parties but was not unduly complex. In all the circumstances and taking into account the principles relating to costs as set out in *New Zealand Airline Pilots Association v The Registrar of Unions* [1989] 2 NZILR 550; *Reid v Fire Services Commission* [1995] 2 ERNZ 38; and *Graham v Airways Corporation of NZ Limited* (unreported, ERA, Auckland, 28 January 2004, AA39/04), I am of the view that an appropriate award of costs including disbursements is \$3,000.00.

**I order Tauranga Women's Refuge to pay to Ms Armstrong the sum of \$3,000.00 as a contribution to her costs and disbursements.**

Vicki Campbell  
Member of Employment Relations Authority