

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 178A/10  
5296230

BETWEEN

LEA BENNETTS  
Applicant

A N D

THE BENVENUE LIMITED  
Respondent

Member of Authority: Helen Doyle

Representatives: Georgina Burness, Advocate for Applicant  
Alyn Higgins, Advocate for Respondent

Submissions Received: Applicant in statement of problem  
12 October 2010 from the Respondent

Determination: 27 October 2010

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In my determination dated 3 September 2010 I found in favour of the respondent that there had not been a breach of the settlement agreement entered into between the applicant and respondent under s.149 of the Employment Relations Act.

[2] I reserved the issue of costs and noted that in the exercise of my discretion as to costs I may well take into account comments made by the husband of the director of the respondent organisation.

[3] The applicant had claimed costs in the statement of problem of \$1,462.00.

[4] Mr Higgins on behalf of the respondent said in his submissions that the respondent was not seeking costs from the applicant. Mr Higgins submitted that a claim for costs in favour of the applicant was not considered appropriate because she was not successful in her claim. Mr Higgins submitted that costs should lie where they fall.

[5] I agree that there should not be an award of costs in favour of the respondent. The respondent's comments in terms of this matter were unwise and although I found they had not amounted to a breach of the settlement agreement, were the reason the problem was before the Authority.

[6] I find that costs in this matter should lie where they fall save as to the filing fee, which in all the circumstances should be reimbursed to the applicant.

[7] I order The Benvenue Limited pay to Lea Bennetts the sum of \$70 being the filing fee.

Helen Doyle  
Member of the Employment Relations Authority