



New Zealand Employment Relations Authority Decisions

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Bennetts v The Benvenue Limited CA178A/10 (Christchurch) [2010] NZERA 822 (27 October 2010)

Last Updated: 19 November 2010

IN THE EMPLOYMENT RELATIONS AUTHORITY CHRISTCHURCH

CA 178A/10 5296230

BETWEEN LEA BENNETTS

Applicant

A N D THE BENVENUE LIMITED

Respondent

Member of Authority: Representatives:

Submissions Received:

Helen Doyle

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

Applicant in statement of problem 12 October 2010 from the Respondent

Determination:

27 October 2010

COSTS DETERMINATION OF THE AUTHORITY

[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

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