

[4] Mr Arnott submits that the factors to be considered by the Authority in exercising its discretion as to costs are:

- The investigation meeting took one day;
- The applicant approached the matter fairly and appropriately;
- The applicant was successful, was found not to have contributed to the grievances and that the respondent was unrepresented which increased time dealing with the matter because her solicitor withdrew one week before the matter;
- The matter should have been resolved at an earlier point;
- Costs should follow the event and the daily tariff should be \$2,500.

The respondent's submission

[5] The director of the respondent, Mrs Pascoe, made submissions as to costs and claimed costs on behalf of the company in the sum of \$5,000 and for travel to mediation and the investigation meeting and loss of takings from the respondent's shop while she attended both events.

[6] Mrs Pascoe says in her submission that she did not have the financial resources to retain a solicitor, that the time required for the investigation meeting was minimal and that she did not bring any other witnesses to the meeting which would have saved time. The rest of Mrs Pascoe's submission is directed at the contents of the determination and, whilst I have read it, given that it is not specifically about the matter of costs, I do not need to set that out in this determination.

Determination

[7] It is a well known principle that costs generally follow the event and that the successful party is entitled to a contribution towards the costs required to achieve their result. I am not satisfied that there is any good reason in this case to depart from that and therefore, although Mrs Pascoe has claimed costs on behalf of the respondent, I find that it is Ms Bergman who is entitled to costs as she was the successful party on this occasion.

[8] The investigation meeting commenced at 10am and was completed by 2.40pm. The meeting, therefore, took a little over 4½ hours.

[9] The matter was not a complicated one and there were no difficult areas of law. I do not find that Mrs Pascoe contributed to the costs to the applicant by virtue of not being represented by counsel. Many parties in the Authority do not have representation.

[10] Costs in the Authority are usually modest and frequently calculated on the basis of a daily rate. There are two matters that, in exercising my discretion as to costs, I have had regard to. The first is the financial ability of the respondent to afford a contribution as to costs and the second is the fact that the employment relationship problems were not particularly complicated, legally or factually.

[11] In all the circumstances, I find that a suitable starting rate for this case would be \$2,000 and I reduce that by \$400 to take into account the financial state of the company. Ms Bergman is also entitled to disbursements for the filing fee of \$70 and photocopying of \$22.25 in the combined sum of \$92.25.

[12] I order Pascoe Enterprises (2000) Limited to pay to Nicola Edith Bergman the sum of \$1,692.25 being costs and disbursements.

Helen Doyle
Member of the Employment Relations Authority