

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Linda Gates (Applicant)  
**AND** Air New Zealand (Respondent)  
**REPRESENTATIVES** Helen Thorpe, Advocate for Applicant  
Kevin Thompson, Counsel for Respondent  
**MEMBER OF AUTHORITY** Y S Oldfield  
**SUBMISSIONS** 27 May 2004, 26 August 2004  
**DATE OF DETERMINATION** 8 March 2005

**DETERMINATION OF THE AUTHORITY AS TO COSTS**

In a determination dated 26 April 2004 I concluded that Ms Gates had not made out a personal grievance in relation to her employment relationship problem. The parties have been unable to agree the issue of costs and it now falls to be determined on submissions.

In all there were two days taken up with the investigation meeting. The second day was scheduled at the express request of the applicant in order that she might put additional evidence before the Authority. The respondent is of the view that this day was unnecessary as no critical additional evidence did emerge. The respondent advises that its actual costs were approximately \$13,500.00. It seeks what it considers a reasonable contribution to those costs being the sum of \$5,000.00, a little over a third of those costs.

Ms Thorp on behalf of the applicant accepted that the respondent is entitled to a contribution to its costs. She submits that a reasonable contribution would have been in the order of \$500.00 rather than \$5,000.00.

**Determination**

I accept that the resumption contributed little to the Authority's investigation of this matter. I also accept that the costs incurred, while substantial, were within the range of what might be expected in relation to an investigation of this length. Taking these factors and all the other circumstances into consideration, I conclude that an appropriate contribution to the respondent's costs is \$4,000.00.

**The applicant Ms Gates is ordered to pay to the respondent the sum of \$4,000.00 as contribution to its costs.**

Y S Oldfield  
Member of Employment Relations Authority