

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Alex Harris (Applicant)  
**AND** Vision X (Respondent)  
**REPRESENTATIVES** John Shadbolt for applicant  
Jenni-Marie Trotman for respondent  
**MEMBER OF AUTHORITY** Y S Oldfield  
**SUBMISSIONS** 21 February, 24 February 2005  
**DATE OF DETERMINATION** 8 March 2005

**DETERMINATION OF THE AUTHORITY AS TO COSTS**

In a determination dated 4 February 2005 I found that the applicant did not have a personal grievance of disadvantage and that there was nothing further the Authority could do to assist with her employment relationship problem. I also advised that I would reserve my determination as to costs. The parties have now provided submissions on the issue and I proceed to determine the matter on the basis of those submissions.

In my determination I expressed a tentative view that this might be an appropriate case for costs to lie where they fall, on the basis that both parties helped to create the employment relationship problem. However I have now revised that view having had the chance to consider the submissions. In this case leaving costs to lie where they fall will not mean that the burden of costs is shared by the parties. Ms Harris was represented on a contingency fee basis and has incurred no costs in association with her professional advice or representation. The respondent in contrast has been put to expense in defending the matter and bears the burden of costs as a result.

However, I do not accept that the respondent's costs in this matter are reasonable. Ms Trotman advises that the respondent's costs amounted to a total of \$11,641.67 exclusive of GST and submits that its actual costs should be the basis for an award of costs. The case was not complex, either factually or legally, and did not require extensive preparation. The investigation meeting did not last a full day. In such circumstances I am surprised at the level of costs incurred.

I consider it is appropriate for Ms Harris to make a contribution to the respondent's costs in the range normally awarded in the Authority. **On that basis, I order Ms Harris to pay the sum of \$1,500.00 to the respondent as a contribution to its costs.**

Y S Oldfield  
Member of Employment Relations Authority