

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2012] NZERA Christchurch 211  
5361556

BETWEEN BRIDGET MCDONALD  
Applicant  
AND LAKES DISTRICT MUSEUM  
INC.  
Respondent

Member of Authority: Helen Doyle  
Representatives: Applicant in person  
Maurice Maxwell and Erin Gray, Counsel for  
Respondent  
Submissions Received: 17 August 2012 from Applicant  
27 August 2012 from Respondent  
Date of Determination: 26 September 2012

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In my determination dated 20 June 2012 I was not satisfied that there was accord and satisfaction reached between the parties that estopped Ms McDonald from proceeding with her personal grievance. The parties had not attended mediation and they were directed to do so and costs were reserved. I noted Ms McDonald was not represented and there may be no issue of costs but if necessary the matter could be dealtwith after the substantive investigation.

[2] On 17 August 2012 a letter was received from Ms McDonald advising that her matter had been resolved at mediation and she had withdrawn her personal grievance. Ms McDonald advised that she would like to apply for costs and set out various expenses that she had incurred as a result of pursuing the matter in the sum of \$1,940.72.

[3] A copy of Ms McDonald's letter was sent to the solicitors representing the Lakes District Museum Inc.

[4] The Authority received from the solicitor representing the Museum, Ms Gray, a letter advising that there had been a full and final settlement reached between all parties at mediation and that Ms McDonald had no basis on which to make any application for costs and was in breach of the agreement by doing so.

[5] Ms Gray suggested that it would appropriate for a penalty or costs award to be imposed by the Authority and for that amount to be paid by Ms McDonald. Ms Gray advised that she had not attached a copy of the record of settlement on the basis that if they do so without a direction from the Court the client may be in breach of s.149(3) of the Act.

[6] I find that the parties have reached, as set out in Ms Gray's letter, a full and final settlement of all issues and that there is no basis for Ms McDonald to claim expenses in the circumstances. Although there was a suggestion that the Authority should impose a penalty or cost award payable to the respondent, I do not consider that appropriate in the circumstances.

Helen Doyle  
Member of the Employment Relations Authority