

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**AA 66A/09  
5110751**

BETWEEN      RAEWYN MERCER  
                         Applicants

AND              EVENT HOLDINGS LIMITED T/A  
                         GRACEHILL                      VINEYARD  
                         RESTAURANT  
                         Respondent

Member of Authority:      Leon Robinson

Submissions Received:      20 March 2009

Determination:              14 April 2009

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**DETERMINATION OF THE AUTHORITY AS TO COSTS**

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[1] By a Determination dated 27 February 2009, I made formal orders in settlement of the employment relationship problem between these parties. A timetable was set for the receipt of submissions in the event that costs were sought. Ms Mercer has not lodged a submission. The respondent company Event Holdings Limited ("Event Holdings") now seeks costs from the applicant Ms Mercer.

[2] The Authority is advised by Mr Nicolson that Event Holdings has costs of \$7,350.00 based on his hourly rate of \$350.00. Mr Nicolson seeks an award of \$8,800.00 as a contribution towards costs or alternatively \$6,880.00 as a fair contribution.

[3] It is regrettable that I do not have Ms Mercer's input as it is desirable that I am able to take account of her means and ability to pay.

[4] This is an equity and good conscience jurisdiction and costs awards in the Authority are generally modest consistent with the Authority's approach to its investigations. The exercise of my discretion calls for a determination of what is a fair and reasonable contribution as between the parties.

[5] This investigation proceeded over one day. The applicant was wholly unsuccessful in obtaining the resolution sought by her. The respondent resisted the claims against it and it is to be regarded as the successful party. It is entitled to an award of costs.

[6] I award costs on the daily tariff basis by awarding Event Holdings Limited t/a Gracehill Vineyard Restaurant the sum of \$2,000.00. Exercising my discretion on a principled basis and for the reasons outlined above, **I order Raewyn Mercer to pay to Event Holdings Limited t/a Gracehill Vineyard Restaurant the sum of \$2,000.00 as costs.**

Leon Robinson  
**Member of Employment Relations Authority**