



New Zealand Employment Relations Authority Decisions

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O'Donnell v Christian Healthcare Trust (Auckland) [2007] NZERA 25 (7 February 2007)

Determination Number: AA25/07 File Number: 5038189

Under the [Employment Relations Act 2000](#)

BEFORE THE EMPLOYMENT RELATIONS AUTHORITY OFFICE

BETWEEN Catherine O'Donnell
AND Christian Healthcare Trust
REPRESENTATIVES Graeme Norton for Applicant

Chris Patterson for Respondent

MEMBER OF AUTHORITY Y S Oldfield

SUBMISSIONS 4 December 2006, 7 January 2007

DATE OF DETERMINATION 7 February 2007

DETERMINATION OF THE AUTHORITY ON COSTS

1. In a determination dated 31 October 2006 I concluded that that the applicant had been unjustifiably disadvantaged in her employment and ordered the sum of \$500.00 compensation. Costs now fall to be determined and Mr Norton has made written submissions seeking a contribution of \$2,250.00 contribution to the applicant's costs of \$2,970.00 plus GST, plus disbursements of \$85.45 plus GST.
2. Mr Patterson has countered by saying that this is an appropriate case for costs to lie where they fall, largely because the applicant was successful in obtaining only 13% of the remedy she sought.

Determination

3. Given the success of her claim the applicant is entitled to a contribution to costs but I do not consider the costs incurred to be reasonable. The issues between the parties were confined in nature, the meeting took only a half day and the level of preparation required was modest.
4. In all these circumstances I consider it appropriate for the respondent to make a contribution to costs of \$500 and to reimburse the applicant for her other expenses. However I note that the addition of GST to the figure claimed for disbursements appears to be an error.

Summary:

5. **The respondent is ordered to pay to the applicant:**
 - \$500.00 as contribution to her costs, and**
 - \$85.45 disbursements.**

Yvonne Oldfield

Member of Employment Relations Authority