

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2011] NZERA Auckland 169  
5317506

BETWEEN                      JANETTE RANGI  
   Applicant  
  
AND                                CAROLYN LOADER  
   Respondent

Member of Authority:      Vicki Campbell  
  
Representatives:            Graeme Ogilvie for Applicant  
   Respondent in person  
  
Submissions received:      3 March 2011 from Applicant  
   No submissions from Respondent  
  
Determination:               28 April 2011

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**COSTS DETERMINATION OF THE AUTHORITY**

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**A      Ms Rangi is entitled to an award for costs.**

**B      Ms Loader is ordered to pay to Ms Rangi the sum of \$1,070.**

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[1] In a determination dated 18 January 2011, the Authority held that Ms Rangi was entitled to remedies for her unjustifiable dismissal. I reserved the question of costs and invited the parties to resolve the matter between them. The parties have been unable to resolve the matter between them and I am now in receipt of a memorandum from the Applicant seeking a contribution towards her costs.

[2] The principles appropriate to the exercise of the Authority's discretion in relation to costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz*<sup>1</sup>. Costs will generally follow the event and awards will be modest. However, in exercising its discretion to award costs the Authority is required to first consider whether the costs incurred by Ms Rangi were reasonable in all the circumstances.

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<sup>1</sup> [2005] 1 ERNZ 808.

[3] Mr Ogilvy claims Ms Rangi's costs amounted to \$3,500. No proof of the costs actually incurred has been provided to the Authority. This makes it difficult to ascertain whether the total costs incurred were in fact reasonable.

[4] The Respondent has been unresponsive throughout the Authority's processes. It failed to lodge a statement in reply, however, Ms Loader attended the investigation meeting and was granted leave to respond to the matter.

[5] The hearing was completed in less than half a day. Costs of \$3,500 seem to be reasonable in these circumstances. Having regard to the nature of the investigation, and in the principled exercise of my discretion **Ms Loader is to pay to Ms Rangi the amount of \$1,000 in costs plus disbursements of \$70.00.**

[6] The Applicant is to personally serve a copy of this determination on the Respondent.

Vicki Campbell  
Member of Employment Relations Authority