

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

AA 170/09  
5119453

BETWEEN RACHAL ZARA WILSON  
Applicant  
AND TAUPO THERAPY CENTRE  
INCORPORATED  
Respondent

Member of Authority: Philip Cheyne  
Representatives: Rachal Wilson, the Applicant  
Dafydd Malcolm, Counsel for Respondent  
Submissions Received: 9 & 17 December 2008 from Applicant  
19 May 2009 from Respondent  
Determination: 27 May 2009

---

**DETERMINATION OF THE AUTHORITY**

---

[1] In a determination dated 4 December 2008 I upheld Ms Wilson's personal grievance claim and reserved the question of costs to be determined following an exchange of memoranda. I have now received these memoranda and this determination resolves the question of costs.

[2] While Ms Wilson promptly provided her submission regarding costs, the same cannot be said for the respondent. A reply was eventually received, well outside the time stipulated, to the effect that the respondent did not intend to make any submissions.

[3] Ms Wilson represented herself and does not seek any legal costs. However she is liable for hearing fees amounting to \$600.00 and she paid the original lodgement fee of \$70.00. Ms Wilson seeks an order against the respondent for these expenses. Ms Wilson also asks whether she can apply for costs for witnesses who took time off work to give supporting evidence.

[4] Ms Wilson succeeded in her claims and is therefore entitled to an order of costs against the respondent to cover the lodgement and the hearing fees.

[5] Every person giving evidence before the Authority is entitled to be paid by the person calling them witness fees according to scales prescribed under regulations made under the Summary Proceedings Act 1957 (currently the Witnesses and Interpreters Fees Regulations 1974 SR 1974/124): see clause 6(1) of the 2<sup>nd</sup> schedule to the Employment Relations Act 2000. The Authority may then order any party to pay to any other party such costs and expenses (including expenses of witnesses) as it thinks reasonable: see clause 15(1) of the 2<sup>nd</sup> schedule to the Employment Relations Act 2000.

[6] In the present case it is not clear whether Ms Wilson has actually paid the witnesses she called any fees as provided for under regulations. If Ms Wilson provides details of fees paid by her to the witnesses she called in accordance with the regulations the respondent must reimburse those amounts. The details are to be provided by Ms Wilson within 7 days. The fee payable to each witness under this order is \$25.00 since no witness needed to be present for more than 3 hours.

### **Summary**

[7] Taupo Therapy Centre Limited is to pay Ms Wilson \$670.00 in costs.

[8] Taupo Therapy Centre Incorporated is also to reimburse Ms Wilson \$25.00 for each witness called by her to whom she has paid a witness fee in accordance with details to be provided by Ms Wilson within 7 days.

Philip Cheyne  
Member of the Employment Relations Authority