

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Caroline Elizabeth Wright (Applicant)  
**AND** Domaine Restaurant (Respondent)  
**REPRESENTATIVES** Samuel Hood, Counsel for Applicant  
Glenys Steele, Advocate for Respondent  
**MEMBER OF AUTHORITY** Ken Anderson  
**SUBMISSIONS RECEIVED** For the Applicant, 24 February 2006  
For the Respondent, 27 February 2006 and 17 March 2006  
**DATE OF DETERMINATION** 1 May 2006

**DETERMINATION OF THE AUTHORITY AS TO COSTS**

- [1] The substantive matter was determined on 30 November 2005. It was found that Ms Wright did not have a personal grievance. The parties were invited to attempt to resolve the matter of costs but were unable to do so. Costs submissions have been received from both parties.
- [2] The Respondent submits that it has incurred total costs of \$9,780.75 and seeks a “substantial” award from the Authority. In support of such an award, the substance of the submissions for the Respondent are that as it was totally successful in defending the matter, it would be contrary to justice if the Respondent was financially disadvantaged in defending the claims against it, particularly given that a reasonable offer of settlement was made to the Applicant.
- [3] The Applicant submits that on the accepted principles applying to the Authority when awarding costs, an award of the sum of \$500 would be appropriate.
- [4] In regard to hearing time, this matter occupied less than one day and was not complex albeit there were issues of credibility. Given the overall circumstances, including the fact that Ms Wright chose not to engage in attempting to clarify the circumstances of her ongoing employment with her employer and hence possibly avoid the incurrence of costs for both parties, an award of costs of the sum of \$1,800 is appropriate.
- [5] Ms Caroline Wright is ordered to pay Domaine Restaurant the sum of \$1,800.00.

**Ken Anderson**  
**Member**  
**Employment Relations Authority**