

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 39B/10
5155981

BETWEEN

KATHERINE MERRIE
AUSTIN
Applicant

AND

THE MULCHER LIMITED
Respondent

Member of Authority: Dzintra King

Submissions received: 12 February and 13 April 2010 from Applicant
15 February and 15 April 2010 from Respondent

Determination: 4 May 2010

COSTS DETERMINATION OF THE AUTHORITY

- [1] The applicant, Ms Austin, was successful in her personal grievance claim. The applicant now seeks costs.
- [2] The applicant has incurred costs totalling \$6079.50.
- [3] The criteria for awards of costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808.
- [4] Mr Austin's hourly charge rate is \$195. A total of 31 hours was spent on the matter. However, some of this related to preparation for and attendance at mediation.
- [5] Mr Katavich says he has also incurred costs and he has provided invoices.
- [6] The normal practice is that costs follow the event and costs are awarded to the successful party. Mr Katavich was unsuccessful.

[7] Ms Austin is entitled to a reasonable contribution to her reasonably incurred costs. In setting costs I am mindful of the daily tariff in the Authority.

[8] The respondent is to pay the sum of \$3,000 to the applicant.

Dzintra King

Member of the Employment Relations Authority