

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Kelly Buer (Applicant)
AND Yuan Cheng International Investment Group Ltd (Respondent)
REPRESENTATIVES John Coyle, Advocate for Applicant
Simpson Tong, Counsel for Respondent
MEMBER OF AUTHORITY Dzintra King
INVESTIGATION MEETING 2 May 2005
MEMORANDA RECEIVED 30 June 2005 from Applicant
DATE OF DETERMINATION 13 September 2005

DETERMINATION OF THE AUTHORITY

Ms Buer was successful in her personal grievance claim and now seeks costs. On 27 June the respondent filed a challenge in the Employment Court.

The applicant had made an offer to settle for \$20,000 on 26 October 2004. The applicant was awarded about three times this amount by the Authority. The applicant's costs total \$3,893.35 plus the \$70.00 filing fee. The applicant seeks an award of full costs.

The respondent has not filed a memorandum on costs but has instead sought to have the making of the costs determination stayed until such time as the Court had made its decision. I informed Mr Tong, acting for the respondent, that a challenge did not function as a stay and gave him a date by which to make submissions on costs. Nothing has been received.

Ms Buer was successful and is entitled to a contribution to her reasonably incurred costs. I see nothing in this case that would render an award of full costs appropriate or necessary. The matter was dealt with within a day and the legal issues were not complex. In making a determination about costs I have taken into account that the applicant made an offer to settle, which, if accepted, would not have required the expenditure of further money. The respondent is to pay the applicant the sum of \$2,500 in costs plus the \$70.00 filing fee.

Dzintra King
Member of Employment Relations Authority