

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Calida Gomas (Applicant)  
**AND** Argonaut Racing & Breeding Limited (Respondent)  
**REPRESENTATIVES** John Peebles, Advocate for Applicant  
Dan Gardner, Counsel for Respondent  
**MEMBER OF AUTHORITY** Ken Anderson  
**SUBMISSIONS RECEIVED** For the Applicant - 4 April 2005  
For the Respondent – Nil  
25 July 2005  
**DATE OF DETERMINATION**

**DETERMINATION OF THE AUTHORITY AS TO COSTS**

The substantive matter was determined on 8 February 2005. Ms Gomas was partially successful with her claims but was found to have substantially contributed towards the situation that gave rise to the personal grievance, and the remedies awarded to her were reduced by 65%. The parties were invited to resolve the matter of costs but have not been able to do so. Submissions have been received from the Applicant but not from the Respondent.

For the Applicant it is submitted that she incurred costs of \$2,500 but was only awarded \$1,384.50 and she should now be awarded the full costs that she incurred. The foundation for that submission has not been provided. While Ms Gomas is out of pocket as it were, that is simply because her case was one that should not have proceeded to adjudication and should have been settled in mediation, or alternatively, have been reconsidered.

Nonetheless, the principal that costs should follow the event still has application but given the outcome of the substantive matter, only a minimal award is warranted, taking into account the substantial contribution of Ms Gomas to the personal grievance, the short duration of the hearing and the limited preparation required.

Argonaut Racing & Breeding Limited is ordered to pay to Ms Gomas the sum of \$350.00 plus the application fee paid to the Authority, the total sum of **\$420.00**.

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