

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Don Grace (Applicant)
AND Delta Hotel Limited t/a Delta Tavern (Respondent)
REPRESENTATIVES For the Applicant – Samuel Hood
For the Respondent – Tipuk Banks
MEMBER OF AUTHORITY Ken Anderson
DATE OF DETERMINATION 10 May 2005

DETERMINATION OF THE AUTHORITY AS TO COSTS

- [1] The outcome of the determination of the substantive matter (AA 420/04), was that Mr Grace was awarded \$1,000 in compensation. The question of costs was not resolved by the parties and costs submissions have now been received and considered.
- [2] Mr Grace has incurred actual costs of \$5,200 and seeks an award of costs of \$1,500. While it is acknowledged that the investigation meeting was of short duration, it is submitted that there are various reasons why this sum should be awarded.
- [3] Ms Banks, for the Respondent submits that this matter could have been settled in mediation and it was unnecessary for Mr Grace to proceed to an investigation meeting.

Determination

- [4] This was not a complex matter and the short duration of the investigation meeting (less than half of a day) reflected that. I also take into consideration that Mr Grace had only moderate success in regard to his overall claims. Indeed, Mr Grace has had what is commonly termed as a Pyrrhic victory.
- [5] Given the overall circumstances regarding this matter, I conclude that only a moderate award of costs is appropriate. It is also appropriate that Mr Grace be paid the \$70 application fee paid to the Authority.
Delta Hotel Limited is ordered to pay to Mr Grace the total sum of \$570.00 as a contribution to his costs.

Ken Anderson
Member
Employment Relations Authority