

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2012] NZERA Auckland 250
5339827

BETWEEN MONIQUE MOIRA VAN DER
 HEIJDEN
 Applicant

AND TRELISE COOPER
 INTERNATIONAL LIMITED
 Respondent

Member of Authority: K J Anderson

Representatives: The Applicant in person
 G Stone, Counsel for Respondent

Submissions received: 27 April and 9 May 2012 from Applicant
 9 May 2012 from Respondent

Determination: 25 July 2012

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 20 April 2012,¹ the Authority found that the dismissal of Ms Van Der Heijden was unjustified. In regard to the matter of costs, as Ms Van Der Heijden represented herself, in the absence of any evidence or submissions to the contrary, I concluded that, apart from the application fee paid to the Authority, costs incurred was not an issue that needed to be addressed.

[2] However, on 27 April 2012, Ms Van Der Heijden made an application to reopen the matter of costs and she submitted an invoice for the sum of \$552.00 (including GST), pertaining to advice received from an established law firm, regarding the matters before the Authority. Ms Van Der Heijden asks that the Authority consider an order for this amount to be paid by the respondent.

¹ [2012] NZERA Auckland 139

[3] A response was received from the respondent on 9 May 2012. The respondent refers to additional costs being incurred because Ms Van Der Heijden represented herself and the manner in which she provided her evidence and submissions. The respondent also submits that the usual daily tariff approach by the Authority to costs cannot be applied and I accept this; albeit this is not what is being sought by Ms Van Der Heijden.

Determination

[4] The matter of an award of costs to any party to the proceedings is at the discretion of the Authority pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000. In all the circumstances, I accept that it is appropriate to reopen the matter of the consideration of costs. I also accept that the costs sought by Ms Van Der Heijden are most reasonable.

[5] Trelise Cooper International Limited shall pay to Ms Van Der Heijden the sum of \$552.00 within 28 days of the date of this determination.

K J Anderson
Member of the Employment Relations Authority