

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

[2012] NZERA Wellington 81  
5346869

BETWEEN ALLANAH HILL  
Applicant

AND BERNADETTE ENTERPRISE  
LIMITED  
Respondent

Member of Authority: G J Wood

Submissions Due: By 28 May 2012

Determination: 17 July 2012

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In my substantive determination I concluded that Ms Hill had been unjustifiably disadvantaged and unjustifiably dismissed by the respondent (Bernadette) from her employment at the Lyndswood Rest Home. I ordered Bernadette to pay Ms Hill over \$5,000 in remedies.

[2] On behalf of Ms Hill, Ms Connor has claimed a contribution of \$3,500 plus GST towards a total costs bill of \$4,375 plus GST. Ms Connor has supported such a claim by reference to the dismissive approach of Bernadette from the outset, through its manager, Ms Choy. In particular, Ms Connor noted that Bernadette had failed to attend mediation on two occasions (despite assurances that it would), once on the direction of the Authority. She also noted that the explanations provided by Ms Choy during the investigation meeting were misleading, and that despite being provided with an opportunity to provide supporting documentation by the Authority, Bernadette failed to properly do so.

[3] In the ordinary course of events a claim such as this would be met with an award of around \$2,500 in costs, given that one full day of investigation was not required. However, as noted in my direction of 22 December 2011, Bernadette failed to attend mediation as directed and was given notice of its good faith obligations under s.181 and s.182 of the Act. I am satisfied that this caused additional costs for which Ms Hill should be compensated.

[4] I am satisfied that the costs incurred by Ms Hill were reasonably incurred and that they were greater than were necessary because of Bernadette's failure to attend mediation and to provide full disclosure of information and evidence before the investigation meeting. In all the circumstances of this case I consider an appropriate contribution to Ms Hill's costs is \$3,500.

[5] Ms Hill also seeks her disbursements to be met by Bernadette. I accept that it is appropriate for the filing fee to be met, but not standard office expenses such as photocopying and postage.

[6] I therefore order the respondent, Bernadette Enterprise Limited, to pay to the applicant, Ms Allanah Hill, the sum of \$3,500 in costs, plus \$71.56 for the filing fee.

**G J Wood**  
**Member of the Employment Relations Authority**