

[3] However, the respondent seeks a substantial increase to what would be the normal award of costs in the circumstances of a matter such as this. It is submitted that the Authority should increase the award of costs to 80% of the costs incurred by the respondent (\$6,944); because the arguments advanced by Ms Hutchinson lacked substance and her credibility was found to be wanting on several fronts.

[4] While it is accepted that Ms Hutchinson's arguments lacked substance and there were issues pertaining to the reliability of some of her evidence, in regard to the former, it is noted that she was represented by legal counsel and, most probably, relied upon the advice she was given in regard to the contractual issues that arose. In regard to the matter of the reliability Ms Hutchinson's evidence, regrettably, it is not unusual for the Authority to be faced with circumstances that require the determination of what is most probable, when conflicts arise. In summary, I conclude that there is nothing of particular note regarding the circumstances of this case that would warrant an increase in the costs that would normally be awarded.

Order of the Authority

[5] Pursuant to clause 15 of the Second Schedule of the Employment Relations Act 2000, Ms Hutchinson shall pay to Sparkling Spring Limited the sum of \$3,500.00 as a contribution toward the costs incurred by the company. Payment shall be made not later than 28 days from the date of this determination.

K J Anderson
Member of the Employment Relations Authority