

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**[2014] NZERA Auckland 115
5410100**

BETWEEN HELEN SCOTT
Applicant
AND METHODE MEDIA LIMITED
Respondent

Member of Authority: Eleanor Robinson
Costs Submissions 13 & 27 March 2014 from Applicant
None from Respondent
Determination: 01 April 2014

COSTS DETERMINATION OF THE AUTHORITY

[1] By determination [2014] NZERA Auckland 63 the Authority found that the Applicant, Ms Helen Scott, had been unjustifiably constructively dismissed by the Respondent, Methode Media Limited (MML).

[2] In that determination costs were reserved in the hope that the parties would be able to settle this issue between them. Unfortunately they have been unable to do so, and the Applicant has filed submissions in respect of costs.

[3] This matter involved a half day of an Investigation Meeting. Ms Scott is now seeking costs.

Principles

[4] The power of the Authority to award costs arises from Section 15 of Schedule 2 of the Employment Relations Act 2000 which states:

[5]

15 Power to award costs

(1) The Authority may order any party to a matter to pay to any other party such costs and expenses (including expenses of witnesses) as the Authority thinks reasonable.

(2) The Authority may apportion any such costs and expenses between the parties or any of them as it thinks fit, and may at any

time vary or alter any such order in such manner as it thinks reasonable.

[6] Costs are at the discretion of the Authority, as observed by the current Chief Judge Colgan in *NZ Automobile Association Inc v McKay*¹.

[7] The principles and the approach adopted by the Authority on which an award of costs is made are well settled and outlined in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*².

[8] It is a principle set out in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*³ that costs are modest. Costs are also reasonable as observed by the Court of Appeal in *Victoria University of Wellington v Alton-Lee*⁴ at para [48] “*As to quantification, the principle is one of reasonable contribution to costs actually and reasonably incurred.*”

Determination

[9] Having regard to the principles on which costs are awarded I find that these are awarded on the basis of those costs actually incurred by the claimant.

[10] In this particular case Ms Scott was able to avail herself of representation of a high standard, however due to a family relationship she incurred no costs in so doing.

[11] On this basis level I award no costs, however I determine that Ms Scott is to be recompensed for the filing fee cost incurred of \$71.56.

[12] . Accordingly, MML is ordered to pay Ms Scott \$71.56 in respect of the filing fee cost, pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000.

Eleanor Robinson
Member of the Employment Relations Authority

¹ [1996] 2 ERNZ 622

² [2005] 1 ERNZ 808

³ [2005] 1 ERNZ 808

⁴ [2001] ERNZ 305