

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

Determination Number:  
WA 42B/07  
5053076

BETWEEN                      STUART SELWOOD  
   Applicant  
  
AND                              QUEEN MARGARET  
   COLLEGE INCORPORATED  
   Respondent

Member of Authority:        R A Monaghan  
  
Representatives:              P Cullen, counsel for Applicant  
   P Kiely, counsel for Respondent  
  
Submissions received:        18 and 28 September 2007 from Applicant  
   20 September 2007 from Respondent  
  
Determination:                9 October 2007

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1]     In a determination in the above, dated 23 August 2007, I found Dr Selwood had a personal grievance in respect of a threatened redundancy. However I found he was not constructively dismissed, and did not have a personal grievance on the ground of unjustified and disadvantageous treatment in a number of other respects.

[2]     Costs were reserved and the parties have filed memoranda on the matter.

[3]     Counsel for Dr Selwood said in his first set of submissions that a modest award of costs should be made in Dr Selwood's favour, and suggested in submissions in reply that allowing costs to lie where they fell might be a just approach.

[4]     Counsel for the college said the college was prepared to be bound by a concession and an offer it made in a letter dated 3 September 2007. In that letter it

assessed an amount that would be payable by Dr Selwood, then advised that the college would forgo that amount on the understanding that all matters at issue were now settled. The offer was not accepted at the time. The college now says it will in any event forgive the costs contribution as assessed, notwithstanding that it considers it will otherwise be entitled to an award of costs.

[5] The effect of the above is that the college is not seeking an order for costs in its favour, and counsel for Dr Selwood suggests that it is just to allow costs to lie where they fall.

[6] Accordingly costs are to lie where they fall.

R A Monaghan

Member of the Employment Relations Authority