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Watson v Restaurant Holding Limited [2011] NZERA 101; [2011] NZERA Auckland 84 (4 March 2011)

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Watson v Restaurant Holding Limited [2011] NZERA 101 (4 March 2011); [2011] NZERA Auckland 84

Last Updated: 3 June 2011

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2011] NZERA Auckland 84 5288566

BETWEEN LEANA WATSON

Applicant

AND RESTAURANT HOLDING

LIMITED Respondent

Member of Authority: Alastair Dumbleton

Submissions Received 18 November 2010, from Applicant only

Determination: 4 March 2011

COSTS DETERMINATION OF THE AUTHORITY

[1] In its determination of 2 November 2010 (under AA 469/10) resolving the employment relationship problem raised by Ms Leana Watson against Restaurant Holding Limited, the Authority made orders requiring the company to pay Ms Watson a total of about \$5,000 together with interest.

[2] Costs were reserved by the Authority with the request that the representatives try to resolve that question themselves. Any application was to be made within 21 days of the date of the determination and any reply within a further period of 21 days.

[3] A few days after the issue of the determination Ms Watson's counsel Mr Smyth received advice from the company's representative Ms French to say that its restaurant business had been sold and there was no money to pay the amounts ordered by the Authority. Ms French also advised that she was no longer acting for the company.

[4] Mr Smyth has provided full submissions in support of an application for a contribution of \$2,000 to a higher amount of

legal costs actually incurred by Ms

Watson through the conduct of the investigation. Restaurant Holding Ltd has not responded to the application served on the company.

[5] The principles established by the Employment Court in *PBO Ltd v. Da Cruz* [\[2005\] NZEmpC 144](#); [\[2005\] 1 ERNZ 808](#) have been referred to by counsel in support of the application.

[6] In the circumstances I accept that the amount sought by Ms Watson represents a reasonable contribution to actual costs. The amount also lines up with other awards made by the Authority in similar cases and is a fair reflection of the 'daily tariff' which may be cross checked against from time to time.

Determination

[7] Pursuant to clause 15 of Schedule 2 of the [Employment Relations Act 2000](#), Restaurant Holding Limited is ordered to pay Leana Watson \$2,000 as a contribution to legal costs.

A Dumbleton

Member of the Employment Relations Authority

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