

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2014] NZERA Auckland 388
5428013

BETWEEN ETHEL WILSON
 Applicant

AND COMMUNITY LIVING
 TRUST
 Respondent

Member of Authority: P R Stapp

Representatives: Carleton Mateer for Applicant
 Glenys Steele for Respondent

Submissions and a bank
statement received By: 9 and 11 September 2014

Determination: 19 September 2014

COSTS DETERMINATION OF THE AUTHORITY

[1] The Authority reserved costs in [2014] NZERA Auckland 310 (17 July 2014).

[2] The successful respondent has requested the daily tariff to be lifted. The unsuccessful applicant accepts that costs follow the event, but that such costs should be reduced to account for the conduct of the respondent and the applicant's financial circumstances. The applicant has asked for costs to lie where they fall.

Costs outcome

[3] The Community Living Trust is entitled to costs based on the starting point of \$3,500 daily tariff. There was nothing unusual about the parties' conduct. The costs incurred are part of the daily tariff. I have decided to reduce the tariff taking into account the applicant's financial situation that I have accepted from her evidence from the substantive investigation meeting that she had not been able to get work and has

lost her income from wages. Her bank account on the basis of the balance indicates she has very limited money available.

[4] It follows that costs follow the event and on the basis of the information available I agree to reduce the tariff.

Order of the Authority on costs

[5] Ethel Wilson is required to pay the Community Living Trust \$2,000 costs.

P R Stapp
Member of the Authority