

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

BETWEEN Ionalee Wyllie (Applicant)
AND The Wellington Free Ambulance Service Inc (Respondent)
REPRESENTATIVES L Strachan and R Moodie for Applicant
Stuart Dalzell for Respondent
MEMBER OF AUTHORITY G J Wood
INVESTIGATION By way of submissions received by 4 October 2005
MEETING
DATE OF 28 October 2005
DETERMINATION

COSTS DETERMINATION OF THE AUTHORITY

1. In my substantive determination I dismissed Ms Wyllie's claim for unjustified dismissal. On behalf of the respondent (Wellington Free Ambulance), Mr Dalzell seeks an award of costs of \$8,500 in its favour. In doing so, Mr Dalzell claimed that it was entitled to a substantial award of costs on the basis that it was completely successful, that it advised Ms Wyllie so on several occasions and because Ms Wyllie changed her approach several times and brought claims that were without substance.
2. On behalf of Ms Wyllie, Ms Strachan sought in effect to re-litigate issues already determined by the Authority, relying on alleged mistakes by the Authority. These are completely irrelevant to the Authority's determination on costs and no account has been taken of them accordingly. Ms Strachan also submitted that to grant costs against a solo mother of two children dependent entirely on her wages would deter wage earners in similar circumstances from seeking relief under the Act. She also noted that because of this Ms Wyllie's representative had acted on a *pro bono* basis.

3. Ms Wyllie chose to proceed with her application in the knowledge that if she was unsuccessful she would most likely be required to contribute to the costs of the Wellington Free Ambulance. Ms Wyllie is presently in employment and is therefore in a position to pay a costs award, even if only an instalment basis.
4. In many ways this is a standard case for the Authority to investigate and determine. It was investigated in an expeditious way and was completed within a day. While Ms Wyllie was unsuccessful in her claim, I find that she was entitled to put forward the arguments she did, including those of disparity. They could not therefore be described as vexatious in any way. Taking all these factors into account, I consider it appropriate that Ms Wyllie should contribute \$2,000 towards the costs of Wellington Free Ambulance. I therefore order the applicant, Ms Ionalee Wyllie, to pay to the respondent, the Wellington Free Ambulance Service Inc, the sum of \$2,000 in costs.

G J Wood
Member of Employment Relations Authority