

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 144A/10
5273561

BETWEEN ANITA ZHAO
 Applicant

AND HEALTH AND BODY CLINIC
 LIMITED
 Respondent

Member of Authority: Vicki Campbell

Representatives: Samuel Hood for Applicant
 Murray Arnesen for Respondent

Submissions Received: 16 April 2010 for Applicant
 No Submissions for Respondent

Determination: 2 June 2010

COSTS DETERMINATION OF THE AUTHORITY

[1] By determination dated 26 March 2010 I found Ms Zhao had been disadvantaged in her employment by an unjustifiable action by the Respondent and that Ms Zhao had been unjustifiably dismissed. In my determination I reserved the question of costs and encouraged to parties to settle this matter between them. They have been unable to do so and I am now in receipt of memorandum from the applicant seeking a contribution to her costs.

[2] The Applicants actual legal costs were \$6,879.55 including GST plus disbursements of \$416.15. The Applicant has provided copies of all invoices in support of her claim for costs. Ms Zhao seeks a contribution of \$3,416.15 from the Respondent.

[3] The principles appropriate to the exercise of the Authority's discretion in relation to costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz*¹. Costs will generally follow the event and awards will be modest. The investigation into the

¹ [2005] 1 ERNZ 808.

Applicant's claim took one day. I am satisfied the costs expended by the Applicant are reasonable.

[4] Having regard to the nature and length of the investigation meeting and in the principled exercise of my discretion **I order Health and Body Clinic Limited to pay to Ms Zhao the amount of \$3,416.15 as costs.**

Vicki Campbell
Member of Employment Relations Authority