

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Clare Marea Dunn (Applicant)
AND Budget Travellers Inn (Respondent)
REPRESENTATIVES Francis Sabbineni, Advocate for Applicant
No appearance for Respondent
MEMBER OF AUTHORITY Y S Oldfield
SUBMISSIONS 12 August 2005, 17 August
DATE OF DETERMINATION 23 August 2005

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] In a determination dated 8 June I made a number of findings in the applicant's favour after a non-appearance by the respondent. On the usual basis the applicant now seeks costs of \$1,500.00 in relation to the investigation meeting, which was conducted in under a day. The submission for the applicant was copied to the respondent at the Budget Travellers Inn. A reply was received on Budget Traveller's Inn letterhead from a Ms Mincher. The relevant parts read:

"We reject the application for \$1,500.00 as extra costs in the above dispute.

The referred respondent Daniel Poh, is no longer working for Budget Travellers Inn. He is on an overseas appointment ...and his Employer has nothing to do with Budget Travellers Inn....

Budget Travellers Inn has gone through a bad spell in its business operations and was in debt...when Daniel Poh left the company. However, we are in the process of a turn around and expect to pay the sum of \$3,000.00 within the next 25-30 days."

[2] Ms Mincher's letter does not make clear the capacity in which Mr Poh was involved with the Budget Traveller's Inn however her letter must be read as a reply on behalf of the respondent and one which rejects the claim for costs.

[3] As the successful party Ms Dunn is entitled to claim costs. This was a very simple matter which required minimal preparation and in the absence of a respondent, a meeting of well under half a day. Reasonable costs will be correspondingly low and I am not convinced that the amount claimed can be justified. In all the circumstances **I order the respondent to pay a contribution to Ms Dunn's costs of \$500.00.**

Y S Oldfield
Member of Employment Relations Authority