

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON OFFICE**

**BETWEEN** Recon Professional Services Limited (Applicant)

**AND** Justin Goode (Respondent)

**REPRESENTATIVES** Blair Malcolm for and on behalf of the Applicant  
Alan Cressey for the Respondent

**MEMBER OF AUTHORITY** P R Stapp

**ON THE PAPERS** 9 & 24 August and 1 September 2005

**DATE OF DETERMINATION** 14 September 2005

**DETERMINATION OF THE AUTHORITY**

**Employment relationship problem**

**Background**

[1] An application for the enforcement of a consent order on an employment relationship problem was filed in the Authority on 25 May 2005 by the applicant. This followed a newspaper article. The Authority conducted a separate communication with the applicant on 26 May pointing out three potential problems with the application before the application was accepted. The applicant still wished to proceed and the application was accepted for filing. The respondent's representative requested more details about the problem before a reply could be filed. Subsequently the application was withdrawn by the applicant.

**Application for costs**

[2] This is an application from the respondent for full solicitor client costs or at the very least a contribution of costs. The actual costs submitted were \$500. The contribution sought is \$333. The claim has been made because the respondent had to go to the unnecessary trouble and expense of engaging legal counsel to defend the claim. The claim involved the expense of briefing counsel, research, advice and writing one letter to the Authority.

[3] This is not a matter for costs. No invoices and receipts have been produced for full costs. There was no investigation required into the matter because of its timely withdrawal by the applicant. Mr Goode did not need to obtain representation when he could have asked for details about the matter himself to save costs. Indeed any advice from his representative to initially do that himself could have saved costs.

[4] I accept that without details the application had little merit. The respondent's representative's letter has saved both parties the extra cost of mediation services from the Department of Labour that would have been required in this matter, and any investigation in the Authority.

[5] Costs are to lie where they fall.

P R Stapp  
Member of the Authority