

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 398/08
5138074

BETWEEN NATALIE SIMMONDS
 Applicant

AND ON TO IT REALTY LIMITED
 Respondent

Member of Authority: Yvonne Oldfield

Representatives: David Collins for Applicant
 J.M Coxhead for Respondent

Submissions received: 5 November from Applicant
 No submissions received from Respondent

Determination: 20 November 2008

COSTS DETERMINATION OF THE AUTHORITY

[1] My Minute of 4 November (attached) refers.

[2] Mr Collins has now provided submissions within the timeframe set. In regards to the claim of \$150.00 for costs he submits:

“extra costs [were] incurred in both time and money due to ongoing communication that was made regularly by phone to find out when payment was going to be made. This also included time spent on phone calls and typing emails to my client. Both my client and the respondent live outside the Auckland calling area.

The amount of time taken to prepare the application for non-compliance would have been approximately 15 minutes plus a trip to the Post Office that would make it another 15 minutes making a total of 30 Minutes. The average cost of an employment advocate on an hourly rate basis would be \$300.00+.

Given the extra stress that both my client and myself had to endure in waiting on the payment the additional amount of \$150.00 claimed for costs I feel is fair.”

[3] I am not persuaded by this submission to change the view expressed in my Minute of 4 November. The “application for non-compliance” to which Mr Collins refers consisted of a few lines handwritten on Form 1. In these circumstances I do not consider that a contribution to costs is required. However I remain of the view that Ms Simmonds should recover her filing fee.

[4] **The respondent is ordered to pay to the applicant the sum of \$70.00 being reimbursement of the fee for filing the application for compliance.**

Yvonne Oldfield

Member of the Employment Relations Authority