

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**[2013] NZERA Auckland 233  
5415784**

BETWEEN                      SMARTPAY LIMITED  
   Applicant  
  
AND                              RONICE RYKEN  
   Respondent

Member of Authority:        Eleanor Robinson  
  
Representatives:             Andrew Schirnack Counsel for the Applicant  
   Respondent in Person  
  
Submissions received:      30 May 2013 from Applicant  
   4 June 2013 from Respondent  
  
Determination:                10 June 2013

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] By determination [2013] NZERA Auckland 166 the Authority found that the Respondent, Ms Ronice Ryken had failed to comply with clause 6 of a Record of Settlement entered into with the Applicant, Smartpay Limited, and signed under s 149 of the Employment Relations Act 2000 (the Act).

[2] The Applicant was wholly successful and is entitled to a contribution towards its actual costs.

[3] This matter involved a half day of an investigation meeting. Mr Schirnack, on behalf of Smartpay Limited, is seeking a contributory award of \$1,750.00 towards the actual costs.

[4] Ms Ryken has not filed submissions as such, but has declared that she has no intention of paying any amount so ordered by way of costs.

## **Determination**

[5] Adopting the notional daily tariff rate of the Authority of \$3,500.00, and the fact that the Investigation Meeting lasted a half day, I take the starting point for costs the normal daily tariff in the Authority of \$3,500.00 and award \$1,750.00, being half the normal daily tariff.

[6] In making this decision I have taken into consideration the principles in respect of costs as set out in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*<sup>1</sup>.

[7] I order Ms Ryken to contribute \$1, 750.00 towards Smartpay Limited's actual costs.

**Eleanor Robinson**  
**Member of the Employment Relations Authority**

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<sup>1</sup> [2005] 1 ERNZ 808