

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Perry William Walen (Applicant)
AND SkyCity Auckland Limited (Respondent)
REPRESENTATIVES Perry Walen In person
Shan Wilson, Counsel for Respondent
MEMBER OF AUTHORITY R A Monaghan
MEMORANDA RECEIVED 16 February 2006
DATE OF DETERMINATION 10 March 2006

DETERMINATION OF THE AUTHORITY ON COSTS

[1] In a determination dated 13 January 2006 I found Perry Walen's dismissal was justified. Costs were reserved. Counsel for SkyCity Management (Auckland) Limited ("SkyCity") has filed a memorandum seeking costs. She advised at the time that she had sent a copy to Mr Walen. The Authority also wrote to Mr Walen, enclosing another copy of the memorandum and offering an opportunity to respond by 8 March 2006. Mr Walen has not responded.

[2] Counsel attached to her memorandum a copy of Mr Walen's response to an approach made to him in an attempt to settle the matter. According to that response, Mr Walen would have difficulty in meeting an award of costs. He referred to the Legal Services Board having placed a caveat on his property until he has repaid money he owes to it, and the impact of up to 18 months' unemployment. However he also referred to having been in full time employment for the last two years.

[3] That is not enough to persuade me that SkyCity should be deprived of any contribution to its costs. Counsel seeks a contribution of \$2,000, bearing in mind that the investigation meeting took almost a full day. She also seeks disbursements in the sum of \$299.59.

[4] That position is fair and reasonable. Mr Walen is therefore ordered to contribute to SkyCity's costs in the sum of \$2000, plus disbursements of \$299.59.

R A Monaghan
Member, Employment Relations Authority