

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Crocker Property Maintenance (Applicant)
AND Fay Harris (Respondent)
REPRESENTATIVES Eugene St John, Advocate for Applicant
Fay Harris In person
MEMBER OF AUTHORITY Marija Urlich
INVESTIGATION MEETING 23 November 2004
DATE OF DETERMINATION 1 February 2005

COSTS DETERMINATION OF THE AUTHORITY

[1] In my determination of 23 November 2004, I ordered the respondent to return all property belonging to the applicant in her possession to the applicant. With regard to the issue of costs I wrote:

“[13] Crocker Property Management Ltd seeks full indemnification of the costs incurred to date which, Mr St John advises total \$1750.00. Mr St John submits this is a situation warranting full indemnification of costs because of Ms Harris’ conduct to date in, including her non-appearance at the investigation meeting today without prior explanation and failure to comply with the Authority’s directions regarding the treatment of the property.

[14] Costs are reserved. Ms Harris has seven days in which to file and serve a memorandum of costs in reply.”

[2] Ms Harris has not filed a costs memorandum within the timeframe specified in the determination.

[3] On 2 December 2004 Mr St John filed further submissions on behalf of the applicant advising the respondent had failed to comply with the terms of the compliance order and inviting the Authority to take this into account in setting costs.

[4] Ms Harris was given a further seven days in which to provide a reply. The Authority has not received a reply. I am satisfied Ms Harris has had a fair opportunity to file a memorandum on costs and so I move to determine the issue.

[5] I am of the view this is an appropriate case for an award of costs. I accept the case was important to the applicant but it was not a complex matter and the investigation meeting was comfortably concluded within ½ an hour due to the unexplained absence of the respondent. In all the circumstances and taking into account the principles relating to costs as set out in *New Zealand*

Airline Pilots Association v The Registrar of Unions [1989] 2 NZILR 550 and *Reid v Fire Services Commission* [1995] 2 ERNZ 38 I am of the view that an appropriate award of costs including disbursements is \$500.00.

[6] I order Fay Harris to pay to Crocker Property Maintenance Limited the sum of \$500.00 as a contribution to its costs and disbursements.

Marija Urlich
Member, Employment Relations Authority