

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Romy Daske  
**AND** Tile New Zealand Limited  
**REPRESENTATIVES** Clive Bennett, for Applicant  
Graeme Norton, for Respondent  
**MEMBER OF AUTHORITY** Marija Urlich  
**INVESTIGATION MEETING** 31 October 2006  
**DATE OF DETERMINATION** 23 April 2007

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] The substantive determination of this matter was issued by the Authority on 11 December 2006 (AA375/06). Mrs Daske's personal grievance for unjustified dismissal was not successful. Her claim that she was a permanent employee was successful however, no remedies flowed from that finding. I found Mrs Daske's employment ended when she resigned. I found the reason she resigned was that her daughter, upon whose English language skills she depended to perform her duties, had not been offered a position with Tile New Zealand Limited when her work permit was issued following months of unpaid work for that company. Costs were reserved.

[2] On 14 January 2007 Mr Norton filed a memorandum as to costs on behalf of Tile New Zealand Limited seeking a reasonable contribution to actual costs reasonably incurred plus reimbursement of some itemised expenses.

[3] On 7 February 2007 Mr Bennett filed a memorandum in response submitting that costs should lie where they fall.

[4] Mr Norton's memorandum advises that Tile New Zealand Limited's costs for preparation and representation at the Authority hearing on 31 October 2006 total \$4824 (plus GST) with additional expenses incurred for representative's parking charges and travel costs (\$12 and \$30 respectively). Mr Norton submits that these costs are reasonable, that Mrs Daske ought to contribute to those costs and that a reasonable contribution would be \$2500 plus the itemised expenses.

[5] Mr Bennett submits that Mrs Daske is not financially in a position to contribute to Tile New Zealand Limited's costs, that subsequent to the investigation meeting she was involved in a car accident and hospitalised and was been unable to work for several weeks, that she has her own costs to meet and these pressures are exacerbated because she is a recent immigrant to this country. Mr Bennett submits that the costs incurred by Tile New Zealand Limited are excessive given the matter was straightforward and the investigation meeting was concluded in less than a day.

[6] Applying the principles applicable to the determination of costs in the Authority and taking into particular account the importance of the matter to the parties, that Tile New Zealand Limited successfully defended Mrs Daske's personal grievance claim, that the investigation meeting was concluded in less than a full day, that other than this matter containing a number of factual disputes, the issues to be determined by the Authority were narrow and not unduly complex, and Mrs Daske's financial state, I set a reasonable contribution to costs at \$750, plus a contribution to expenses of \$20.

**[7] Romy Daske is ordered to pay Tile New Zealand Limited \$750 as a contribution to costs reasonably incurred plus \$20 towards expenses.**

Marija Urlich

Member, Employment Relations Authority