

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 95A/10
5277224**

BETWEEN MICHELE DEBRECENI
 Applicant

AND APOLLO MARKETING &
 ADVERTISING LIMITED
 Respondent

Member of Authority: Leon Robinson

Submissions Received: 26 March 2010 and 2 April 2010
 8 April 2010 and 30 April 2010

Determination: 3 May 2010

DETERMINATION OF THE AUTHORITY

[1] By a Determination dated 3 March 2010, the Authority determined that no formal orders were required to resolve the employment relationship problem between the parties.

[2] The respondent now makes application for costs. It has provided its barrister's invoice to the Authority evidencing costs incurred of \$8,8893.13. The respondent was not represented at the investigation meeting by counsel. It asks the Authority for an award of costs against the applicant. It advises the Authority that it has incurred substantial costs and that it has never made a profit. It says that anything that the applicant is required to pay will be of assistance to it.

[3] The applicant's lawyers advise the Authority that the applicant is not currently employed and receives income assistance from WINZ. The lawyers further advise that the applicant was required to sell her residential property by the mortgagee bank and she has suffered a loss of \$48,000.00 for which she is now indebted to her bank.

The Authority is also advised that the applicant has no disposable income and no significant assets. It is said that she is unable to meet any award of costs against her.

[4] The lawyers also remind the Authority that the respondent prevaricated and did not attend mediation despite earnest requests by the applicant for it to do so and efforts by the mediation service to commit. I accept that the respondent failed to commit itself to attend mediation within a reasonable timeframe.

[5] The investigation meeting proceeded over one day.

[6] I accept that the respondent successfully defended the application and is therefore to be regarded as the successful party and costs ought to follow that event. But I also accept that the applicant has very limited financial means.

[7] I am persuaded to deal with this matter according to the Authority's daily tariff. I award the respondent costs of \$1,500.00.

[8] Accordingly, in the principled exercise of my discretion **I order that Michele Debreceni is to pay to Apollo Marketing & Advertising Limited the sum of \$1,500.00 as a contribution to its costs.**

Leon Robinson
Member of Employment Relations Authority