

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
OFFICE**

BETWEEN Mathew Steven MacDonald
AND Ashley Klenner
REPRESENTATIVES Mark Ryan for Applicant
No appearance for Respondent
MEMBER OF AUTHORITY Yvonne Oldfield
SUBMISSIONS 2 May 2006
DATE OF DETERMINATION 10 October 2006

DETERMINATION OF THE AUTHORITY ON COSTS

Employment Relationship Problem

[1] In a determination dated 5 December 2005 I ordered the respondent to pay to Mr Klenner arrears of wages as well as annual and statutory holiday pay. I also ordered Mr MacDonald to return to Mr Klenner a motor vehicle which Mr MacDonald used during his employment. In a subsequent determination dated 28 June 2006 I concluded that Mr MacDonald had complied with the orders I had made against him but that Mr Klenner had not, despite requests to do so, and ordered compliance with my original determination.

[2] Meanwhile, Mr Ryan had also made costs submissions on behalf of Mr MacDonald in relation to the substantive matter. These submissions have been copied to the respondent without response. I therefore proceed to determine the matter of costs.

Determination

[3] Mr Ryan advises that Mr MacDonald was legally aided and that the Legal Services Agency seeks \$620.00 in costs from the respondent.

[4] Although this was a straightforward matter, which took well under a day to hear, its resolution has been hampered by the respondent's refusal to attend mediation or participate in the investigation process. In all the circumstances, a contribution to costs of \$620.00 is reasonable.

[5] Mr Klenner is ordered to pay to the applicant the sum of \$620.00 as contribution to his costs.

Yvonne Oldfield
Member of Employment Relations Authority