

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Aman Madwhan (Applicant)  
**AND** Box Lounge Ponsonby Limited (Respondent)  
**REPRESENTATIVES** John Coyle, for Applicant  
Maru Nihoniho, for Respondent  
**MEMBER OF AUTHORITY** Y S Oldfield  
**SUBMISSIONS RECEIVED** 25 October 2005, 2 November 2005  
**DATE OF DETERMINATION** 14 November 2005

**DETERMINATION OF THE AUTHORITY AS TO COSTS**

- [1] On 10 October 2005 I determined that Box Lounge Ponsonby Ltd should pay to Mr Madwhan \$2,400.00 in lost wages and \$500.00 compensation following his unjustified dismissal.
- [2] Mr Madwhan now seeks a contribution to his costs and disbursements which he says total \$2,778.00. Through his representative he says that Ms Nihoniho for the respondent resisted attempts to mediate and to settle the matter. Ms Nihoniho denies this and says that she did make reasonable offers to settle. She also says she cannot afford to pay this amount on top of the remedies.

**Determination**

- [3] The investigation into this matter was very brief and uncomplicated. Ms Nihoniho freely acknowledged that through ignorance she had failed to comply with the requirements of s.67 of the Employment Relations Act, and that as a result a personal grievance had been made out. The only issue for determination was what remedy was appropriate. In total, I had only a few pages of written statements from all witnesses combined and spent only a couple of hours in my meeting with them.
- [4] In these circumstances, very minimal costs should arise. Mr Madwhan is entitled to a contribution to costs, but only a modest one. **I order Box Lounge Ponsonby Ltd to pay to Mr Madwhan the sum of \$500.00 as a contribution to his costs.**

Y S Oldfield  
Member of Employment Relations Authority