

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH OFFICE**

**BETWEEN** Julie Palmer (Applicant)  
**AND** Otahuna Lodge Limited (Respondent)  
**REPRESENTATIVES** Jeff Goldstein, Counsel for the Applicant  
No appearance for Respondent  
**MEMBER OF AUTHORITY** Philip Cheyne  
**SUBMISSIONS RECEIVED** 19 July 2005 from Applicant  
No submissions from Respondent  
**DATE OF DETERMINATION** 12 August 2005

**COST DETERMINATION OF THE AUTHORITY**

[1] On 18 July 2005, I issued a determination upholding Ms Palmer's personal grievance claim. I reserved costs although I indicated that an award of \$300.00 in Ms Palmer's favour might be made in due course given the default nature of the investigation meeting.

[2] Counsel for Ms Palmer has lodged and served a memorandum seeking an award of costs of \$750.00 plus \$70.00 for the lodgement fee as a contribution towards her actual costs of \$1,000.00 (plus GST). It is unclear whether this relates solely to the proceedings once lodged in the Authority or if it incorporates time expended before then. Not unexpectedly, there has been no response from the respondent although I accept they have been served with the memorandum.

[3] It was apparent from an early stage in this case that the respondent probably would not defend the claim being made by Ms Palmer. The respondent is a company and was placed in receivership on 28 February 2005. By that time, all that had been required of counsel was the preparation and lodging of a statement of problem and participation in a brief conference call. The only other action required was for the applicant to prepare and lodge a statement of evidence which run to two pages. Counsel also made some inquiries of ACC and attended the investigation meeting.

[4] As expected, the respondent did not attend the investigation meeting which lasted about 30 minutes. I also acknowledge that some time may have been required for matters incidental to those just mentioned.

[5] In those circumstances, \$300.00 is an appropriate award towards the applicant's reasonable costs in dealing with the investigation. I order the respondent to pay that sum to the applicant.

Philip Cheyne  
Member of Employment Relations Authority