

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2012] NZERA Christchurch 93  
5371305

BETWEEN REBECCA RAPSON  
Applicant

A N D ASHBURTON HOSPITALITY  
LIMITED  
Respondent

Member of Authority: David Appleton

Representatives: Sam Guest, Counsel for Applicant  
Lesley Brook, Counsel for Respondent

Submissions Received 17 April 2012 from Applicant  
None received from the Respondent

Date of Determination: 18 May 2012

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In a determination dated 3 April 2012 the Authority issued a compliance order against the respondent for having failed to comply with the terms of a binding settlement agreement. A penalty in the sum of \$5,000 was also awarded against the respondent.

[2] Although I agreed in the determination dated 3 April that costs should be awarded against the respondent, I directed that Ms Rapson's counsel should provide more details of the costs sought, which he has done. I also directed that the respondent serve and lodge any objections in reply within 14 days. It has elected not to do so.

[3] Ms Rapson's counsel states that costs in the total sum of \$2,580 plus GST have been incurred as a result of the respondent's non payment of the settlement sum owing, together with disbursements in the sum of \$28.80. With GST added, that totals \$3,026.33. A filing fee has also been incurred by Ms Rapson in the sum of \$71.56.

[4] Ms Rapson incurred these costs, which appear to be wholly reasonable, needlessly, entirely due to the unexplained failure of the respondent to comply with a binding settlement agreement. Whilst the respondent refused to defend the matter, it also refused to concede that the sum outstanding under the settlement agreement was owing. This has undoubtedly led to Ms Rapson incurring these additional costs.

[5] Accordingly, under these circumstances, I believe that it is just for Ms Rapson to be reimbursed her legal costs in their entirety.

[6] The costs awarded against the respondent are therefore \$3,097.89.

David Appleton  
Member of the Employment Relations Authority