

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 236A/08
5123314**

BETWEEN BRAND DEVELOPERS LIMITED T/A
 TV SHOP
 Applicant

AND TUITUI SULA
 Respondent

Member of Authority: Leon Robinson

Submissions received: 18 July 2008

Determination: 12 September 2008

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] By a Determination dated 7 July 2008, I determined that the respondent Ms Tuitui Sula ("Ms Sula") was liable in debt to Brand Developers Limited t/a TV Shop ("TV Shop") in the sum of \$8,000.00.

[2] TV Shop has now asked that the Authority award costs against Ms Sula. I directed that Mr Sula was to respond to TV Shop's application for costs by 15 August 2008. Ms Sula has not provided a response. The application for costs is therefore undefended and I now determine it.

[3] TV Shop provides to the Authority a summary of its representative's costs said to be approximately \$2,666.25. There is no invoice verifying the actual costs. I accept however that it has actually incurred costs but the precise quantum is not satisfactorily established.

[4] This is equity and good conscience jurisdiction and costs awards in the Authority are generally modest consistent with the Authority's approach to its investigations. The Authority adopts a principled approach taking into account relevant matters and having no regard for irrelevant ones.

[5] Ms Sula did not attend that investigation meeting, although I spoke with her subsequent to it. She had taken no prior steps to defend the matter. Regrettably I am not in a position to take account of Ms Sula's ability to pay as a consequence of her non-cooperation. The investigation meeting proceeded over one half day in her absence.

[6] I think it appropriate in all the circumstances, to award TV Shop a contribution to its costs according to the lower bound of the Authority's daily tariff in the sum of \$750.00. Accordingly, exercising my discretion on a principled basis and for the reasons outlined above, **I order Tuitui Sula to pay to Brand Developers Limited t/a TV Shop the sum of \$750.00 as a contribution to its costs.**

[7] Any Certificate of Determination issued in respect of this Determination is to be immediately served on Ms Sula.

Leon Robinson
Member of Employment Relations Authority