

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 64A/10  
5162954

BETWEEN

MELINDA VAN  
MEYGAARDEN

Applicant

AND

RAVE RADIO LIMITED  
formerly First Mobile Browns  
Bay Limited

Respondent

Member of Authority: R A Monaghan  
Representatives: M van Meygaarden in person  
J Weavers, advocate for respondent  
Memoranda received: 11 March 2010 from respondent  
Determination: 31 March 2010

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In a determination dated 12 February 2010 I found Ms van Meygaarden was owed commission payments, but that she had not provided the required notice of termination of employment. On balance and with reference to the relevant provision in her employment agreement she was ordered to repay a sum of money to RRL.

[2] Costs were reserved. RRL has sought a contribution to costs which amount to travel and accommodation expenses. The total sought is \$830.56.

[3] With some exceptions the successful party in a legal proceeding can expect at least a contribution to the associated costs of professional representation, and expenses. Here there was a claim and a counterclaim, in which both parties achieved degrees of success.

[4] Assessing the respective degrees of success, Ms van Meygaarden was successful in her claim. Regarding the counterclaim, RRL's failure to focus on key and relevant matters made what could have been a straightforward matter unnecessarily time-consuming and complicated. Although it achieved a degree of success in the counterclaim, a number of serious allegations not recorded in the determination were variously misconceived or not properly supported by the evidence.

[5] For these reasons I consider it appropriate that costs lie where they fall.

[6] There will be no order for costs.

R A Monaghan

Member of the Employment Relations Authority