

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH OFFICE**

BETWEEN Barry James McIntosh (Applicant)
AND Southern Lakes Holdings Limited (Respondent)
REPRESENTATIVES Justine Baird, Counsel for Applicant
Jack Enright, Advocate for Respondent
MEMBER OF AUTHORITY Philip Cheyne
SUBMISSIONS RECEIVED 20 December 2005
DATE OF DETERMINATION 16 February 2006

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination dated 4 November 2005 I found that Mr McIntosh has a personal grievance against his former employer and awarded him compensation for distress and lost remuneration. I found that Mr McIntosh was entitled to lost remuneration for the period of three months commencing on 22 March 2005 and left it to the parties to calculate the appropriate sum. Leave was reserved if there was any difficulty with that calculation. I made a further order requiring Southern Lakes Holdings Limited to pay to Mr McIntosh about \$3700 in arrears of wages and holiday pay. Finally, costs were reserved.

[2] On 20 December 2005, counsel for Mr McIntosh lodged a memorandum regarding costs and also a letter setting out calculations of lost remuneration for the three month period referred to above. The same day the Authority sent those submissions to Southern Lakes Holdings Limited with a covering letter asking for any comment or response to those submissions in writing by no later than 30 January 2006. Nothing has been received by the Authority from Southern Lakes Holdings Limited and this determination now resolves the quantum of lost remuneration and costs.

[3] I see no reason to doubt the information provided on behalf of Mr McIntosh concerning his earnings from other work during the three month period for which he is to receive compensation for lost remuneration. Accordingly, I order Southern Lakes Holdings Limited to pay to Mr McIntosh the sum of \$8,595.44 by way of compensation for lost remuneration.

[4] In the memorandum concerning costs counsel sets out claims of \$1500 for steps taken prior to the investigation meeting, \$750 for attendance at the investigation meeting, \$70 for the lodgement fee and a further \$25 for printing and photocopying. That totals \$2,345.00 but it is not clear whether that is the full amount of Mr McIntosh's legal fees or whether that is claimed as a contribution to his legal fees. This was a straightforward matter and I consider \$1500 is an appropriate award of costs in favour of Mr McIntosh but to that should be added the disbursements claimed, namely \$70 for the lodgement fee and a further \$25 for printing and photocopying.

Accordingly, I order Southern Lakes Holdings Limited to pay to Mr McIntosh \$1,595.00 for costs and expenses.

[5] So there is no doubt, I confirm that the figures mentioned above are in addition to the orders set out in the determination dated 4 November 2005.

Philip Cheyne
Member of Employment Relations Authority