

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 4A/10  
5157065

BETWEEN COLIN RAMSAY  
Applicant  
AND NEW ZEALAND CARDS  
LIMITED  
Respondent

Member of Authority: Helen Doyle

Representatives: Johnny Saunders, Advocate for Applicant  
Robert Beresford, Advocate for Respondent

Submissions Received: 17 September 2009 for Applicant  
No submissions from Respondent

Determination: 30 March 2010

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In my determination dated 15 January 2010 I found that the applicant was unjustifiably dismissed and awarded him remedies.

[2] Mr Saunders made submissions about costs in his final submissions and asked for the sum of \$3,000.

[3] I gave Mr Beresford, in my determination, until 5 February 2010 to lodge and serve submissions in reply as to costs however, none have been received. This may be because Mr Beresford has challenged the determination, but I am of the view it is nevertheless appropriate for the Authority to determine costs at this point.

**Determination**

[4] Mr Saunders submits that the actual costs incurred by the applicant were \$3,937.50 and that the costs to the applicant were increased beyond the usual costs that one would expect for a grievance of this type because of the respondent's actions.

[5] I accept that there were a large number of communications sent to the Authority on behalf of the respondent. Some of the matters in these communications were not strictly relevant to the issue in hand but would have taken time for these to be considered on behalf of the applicant. The investigation meeting also took longer (almost a full day) than one would have expected for a matter of this nature. There was also a delay in the provision of the audio tape of the conversation between Mr Ramsay and Mr Beresford that required some additional time to be spent on the part of the applicant and his representative.

[6] I accept that in these circumstances, approaching the matter on the basis of a daily tariff and applying the general principles in *PBO Ltd v. Da Cruz* [2005] 1 ERNZ 808, \$3,000 is a fair and reasonable award for costs.

[7] I order New Zealand Cards Limited to pay to Colin Ramsay the sum of \$3,000 being costs.

Helen Doyle  
Member of the Employment Relations Authority