

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKAURAU ROHE**

[2025] NZERA 256  
3335460

BETWEEN                      KAMAHL SANTAMARIA  
Applicant

AND                              TELEVISION NEW ZEALAND  
LIMITED  
Respondent

Member of Authority:        Rachel Larmer

Representatives:             Daniel Kalderimis KC, Karen Jones and Tanya Preston,  
counsel for the Applicant  
Emma Peterson and Niranjanaa Ram, counsel for the  
Respondent

Investigation Meeting:        On the papers

Submissions and Other        7 February and 12 March 2025 from the Applicant  
Information Received:        28 February 2025 from the Respondent

Determination:                8 May 2025

---

**DETERMINATION OF THE AUTHORITY**

---

**Employment Relationship Problem**

[1]     The applicant Mr Kamahl Santamaria, has applied to remove his claims in matter AEA 3263419 to the Employment Court.

[2]     He relied on all four of the grounds for removal in s 178(2) of the Employment Relations Act (the Act), namely that:

- (a)     Several important questions of law that arose other than incidentally;<sup>1</sup>

---

<sup>1</sup> Section 178(2)(a) of the Act.

- (b) The case was of such a nature and of such urgency that it was in the public interest to remove it;<sup>2</sup>
- (c) The Court already had proceedings involving these parties before that involved similar or related issues;<sup>3</sup>
- (d) In all the circumstances, removal was warranted.<sup>4</sup>

[3] Mr Santamaria's affidavit recorded his belief that his substantive claims "will one way or another end up in the Employment Court", so he submitted the most just, speedy and inexpensive course was for removal to occur so there would be one single hearing by the Court.

[4] The respondent, Television New Zealand Limited (TVNZ), opposed removal. TVNZ submitted that although there were some important questions of law that arose other than incidentally, none of the other grounds for removal in s 178(2) of the Act had been established. TVNZ also said that even if one of the s 178(2) grounds for removal was established, the Authority should exercise its residual discretion to decline removal of Mr Santamaria's matter to the Court.

[5] Both parties agreed that TVNZ's counterclaim should be removed to the Employment Court if Mr Santamaria's removal application succeeded.<sup>5</sup> TVNZ pointed out that was a pragmatic decision only as it recognised Mr Santamaria's original claims and its counterclaims were inextricably linked and should be heard together in whatever forum ultimately dealt with Mr Santamaria's claims. TVNZ emphasised its position on that was not to be taken as support by it for Mr Santamaria's removal application.

[6] The Authority issued a preliminary determination in this matter on 18 November 2024, that related to disputed jurisdiction issues.<sup>6</sup> Mr Santamaria has challenged that determination, but his challenge has not yet been set down for a hearing by the Employment Court.

---

<sup>2</sup> Section 178(2)(b) of the Act.

<sup>3</sup> Section 178(2)(c) of the Act.

<sup>4</sup> Section 178(2)(d) of the Act.

<sup>5</sup> AEA 3267359.

<sup>6</sup> *Santamaria v TVNZ Ltd* [2024] NZERA 681.

## **Relevant background**

### *Mr Santamaria*

[7] Mr Santamaria was employed by TVNZ as a presenter on the television show “Breakfast”. His first day on air was 27 April 2022. He was stood down from work on 18 May 2022 and did not return to the workplace, or do any work, before his employment ended on 31 May 2022.

### *TVNZ*

[8] The respondent, Television New Zealand Limited (TVNZ) is a Crown entity company that operates as a commercial broadcaster. It is governed by the Crown Entities Act 2004 and the Companies Act 1993. It is also governed by the Television New Zealand Act 2003 and the Broadcasting Act 1989.

### *The Record of Settlement (RoS)*

[9] The parties entered into a Record of Settlement that was certified under s 149 of the Act by a mediator from the Ministry of Business Innovation and Employment (MBIE) on 2 June 2022 (the RoS).

[10] The parties signed the RoS on Saturday 28 May 2022, the employment relationship ended on 31 May 2022, before the mediator signed the RoS on 2 June 2022.

### *The parties’ claims*

[11] Both parties allege the other party has breached the RoS in multiple ways. Both parties have lodged Authority proceedings to address these alleged breaches. Mr Santamaria’s original claim is matter AEA 3263419. TVNZ’s counterclaim is matter AEA 3267359. By agreement with the parties, both matters are currently inactive, pending the outcome of this removal application and of Mr Santamaria’s challenge to the Authority’s preliminary determination dated 18 November 2024.<sup>7</sup>

## **The Authority’s investigation**

[12] This removal application was determined ‘on the papers’ in accordance with an agreed timetable proposed by the parties.

---

<sup>7</sup> *Santamaria v TVNZ Ltd*, above n6.

[13] Mr Santamaria lodged an affidavit, as did Mr Brent McAnulty, Interim Chief News and Content Officer, on behalf of TVNZ.

[14] Both parties lodged written submissions.

### **Relevant law**

[15] Section 178 of the Act deals with removal of matters from the Authority to the Employment Court to hear and determine without the Authority first investigating. Section 178(2) of the Act sets out four possible grounds for removal, namely:

- (a) An important question of law is likely to arise other than incidentally;<sup>8</sup>
- (b) The case is of such nature and of such urgency that it is in the public interest that it be removed immediately to the Court;<sup>9</sup>
- (c) The Court already has proceedings before it between the same parties which involve the same or similar or related issues;<sup>10</sup>
- (d) The Authority believes that in all the circumstances the Court should determine the matter.<sup>11</sup>

[16] The Court of Appeal in *A Labour Inspector v Gill Pizza Ltd & Others* recognised that removal under s 178(1) of the Act is “contemplated in relatively limited circumstances, with particular caution expected in cases that have not been fully investigated by the Authority”.<sup>12</sup> However, that statement did not apply an additional gloss to s 178 of the Act, which expressly recognised that removal to the Employment Court in the first instance would be appropriate for some cases.<sup>13</sup>

[17] The Employment Court in *Jackson v The Aorere College Board of Trustees* recognised that the Act “generally requires proceedings to be filed in the Authority, and for matters to be dealt with in that forum with rights of challenge to the Court”.<sup>14</sup> However, the Act recognises there will be some limited circumstances where matters

---

<sup>8</sup> Section 178(2)(a) of the Act.

<sup>9</sup> Section 178(2)(b) of the Act.

<sup>10</sup> Section 178(2)(c) of the Act.

<sup>11</sup> Section 178(2)(d) of the Act.

<sup>12</sup> *A Labour Inspector v Gill Pizza Ltd & Ors* [2021] NZCA 192.

<sup>13</sup> *Pilgrim v Overseeing Shepherd* [2024] NZEmpC 146.

<sup>14</sup> *Jackson v The Aorere College Board of Trustees* [2021] NZEmpC 109.

may be appropriately removed to the Court in the first instance. Those circumstances are identified in s 178(2) of the Act.

[18] At least one of the four possible grounds of removal must be met before the Authority may remove a matter to the Court. Once the removal criteria has been met, the Authority must exercise its removal discretion.

[19] There is no presumption either way for or against removal once a ground for removal has been established.<sup>15</sup> The Authority retains a residual discretion to decline removal, even if one or more of the s 178(2) grounds for removal have been established.

### **Issues**

[20] The following issues are to be determined:

- (a) Have any of the grounds for removal in s 178(2) of the Act been established?
- (b) If so, should the Authority exercise its discretion not to remove this matter to the Court?
- (c) What costs should be awarded?

### **Have any of the s 178(2) grounds for removal been established?**

*Section 178(2)(a) of the Act – did an important question of law arise other than incidentally?*

[21] The Employment Court made the following observation about the ‘important question of law’ ground for removal in *New Zealand Amalgamated Engineering, Printing and Manufacturing Union Inc v Carter Holt Harvey Ltd*:<sup>16</sup>

The statutory test is not whether there is an unsettled, controversial, or novel point of law. Rather, an important question of law must be shown to be likely to arise in the proceedings other than incidentally. A question of law will be an important question of law if it will be decisive of the case.

[22] A question of law under s 178(2)(a) of the Act did not need to be complex, tricky or novel to warrant being an important question of law.

---

<sup>15</sup> *Johnston v Fletcher Construction Company Ltd* [2017] NZCA 192.

<sup>16</sup> *NZAEPMU Inc v Carter Holt Harvey Ltd* [2002] 1 ERNZ 74.

[23] A question of law would be sufficiently important if the answer to it was likely to be of broad effect or could assume significance in employment law generally. However, the question of law was not required to have an impact beyond the particular parties.<sup>17</sup>

[24] A question of law will be important if it would be decisive of the case, or an important aspect of it, or it would be strongly influential in terms of the determination of the case, or a material part of it.<sup>18</sup>

[25] The notice of removal application Mr Santamaria lodged on 4 November 2024 identified the following questions of law:

(a) Whether there was an implied term of contract being that the parties must not act or fail to act in such a way that undermines the benefit of its own bargain (known as “the Vickery Principle”);

(b) Whether the respondent can avoid compliance with such a settlement agreement by claiming, effectively as an affirmative defence, that it is not responsible for the independent acts of its newsroom, and therefore could not be seen as having breached settlement terms (the “dual entity argument”); and

(c) Whether the applicant can, to respond to the dual entity argument, raise employment relationship problems by analogy to ordinary common law principles relating to liability arising from third party interference in contractual matters.

[26] Mr Santamaria’s submissions recorded the important questions of law involved (as paraphrased by the Authority):

(a) Whether, and when, settlement under s 149 of the Act compromises future claims that had not arisen at the time the parties signed the settlement;

(b) The meaning, scope and effect of a “further assurances” clause (clause 12 of the RoS) and the claim the RoS included implied terms arising either pursuant to good faith and/or as an anti-avoidance implied term under ordinary contract law principles as discussed by the Supreme Court in *Bathurst Resources Ltd v L & M Coal Holdings Ltd*;<sup>19</sup>

---

<sup>17</sup> *Johnston v The Fletcher Construction Company Ltd* [2017] NZEmpC 157.

<sup>18</sup> *LDF v EZC* [2024] NZEmpC 109 at [13].

<sup>19</sup> *Bathurst Resources Ltd v L & M Coal Holdings Ltd* [2021] NZSC 85.

- (c) Mixed questions of law and fact arising from TVNZ's affirmative defence that "editorial independence" of its newsroom meant the RoS had not been breached by its reporting on the case;
- (d) Mixed questions of law and fact asserted by Mr Santamaria that there is an analogy to the economic torts of inducing a breach of contract, causing loss by unlawful means and conspiracy, which meant TVNZ could not claim compliance with the RoS if it induced, sustained or directly committed a breach of the ROS;
- (e) Consideration of how employment relationship problems arising out of compliance with a s 149 settlement are to be characterised when they include elements of tort. In particular, how such claims are to be framed in proceedings and their consequences;
- (f) Questions about what remedies were available for a continuing breach of a s149 mediated settlement;
- (g) A decision about the point from which the 12-months period for claiming a penalty should be calculated in this matter, given the circumstances of the claim.

[27] TVNZ acknowledged that the three questions of law identified in Mr Santamaria's notice of removal application raised important questions of law that arose other than incidentally. However, TVNZ did not agree that the relevant important questions of law should result in removal, because it said the Authority could refer a complex question of law to the Court pursuant to s 177 of the Act during its investigation if required.

[28] The Authority considered a reference under s 177 of the Act would likely not be suitable in this case because the Court would probably need more information than just a question posed to it. A s 178(2) removal would ensure the Court had all of the information it needed to address a particular question of law.

[29] Using s 177 of the Act during the course of the Authority's substantive investigation into this particular matter would necessarily delay the outcome of the Authority's investigation, which has already been significantly delayed by the challenge made to its preliminary jurisdiction determination. Therefore even further

delay is undesirable. The s 177 referral of a question of law to the Court would also increase costs for the parties.

[30] TVNZ disputed that the other questions of law Mr Santamaria identified in his submissions had met the s 178(2)(a) removal threshold.

[31] Notwithstanding that, as the parties have identified, the s 178(2)(a) criteria for removal has been met. The three questions of law set out in the removal application go to the heart of Mr Santamaria's claims, so will be decisive of the matters under investigation regarding his claims against TVNZ.

[32] Accordingly, the ground for removal in s 178(2)(a) of the Act has been established, at least in so far as those three questions of law were concerned.

*Section 178(2)(b) of the Act – whether the case was of such a nature and of such urgency that it was in the public interest that it be removed to the Court?*

[33] Under s 178(2)(b) of the Act the Authority may remove a matter if it is of such a nature and urgency that it was in the public interest for it to be removed to the Court. There are two elements to this ground which must both be met – nature and urgency. Establishing one element is therefore insufficient, and would not meet this removal criteria.

[34] Whether the urgency criteria had been met required assessment of the particular circumstances of this matter, because a mere delay did not in itself give rise to urgency.<sup>20</sup>

[35] Mr Santamaria submitted that urgency has built over time, as he has been unable to work or earn an income for an extended period. He described this problem in his affidavit as having arisen because he had been “cancelled.”

[36] TVNZ submitted that the delay was due to Mr Santamaria's conduct of this matter. He took more than 18 months to lodge his claim. He then lodged two subsequent amended statements of problem. TVNZ also submitted that Mr Santamaria's claims had no bearing on his employment status, as he was not prevented from being employed as a journalist or outside the sphere of journalism.

---

<sup>20</sup> Jackson, above n14.

[37] TVNZ also pointed out that there was no ongoing employment relationship that required urgency. TVNZ also submitted that when Mr Santamaria lodged his SoP he was out of time to claim a number of the remedies he had sought.

[38] The urgency criteria was not met. Mr Santamaria's employment ended on 31 May 2022. His statement of problem (SoP) was lodged on 17 November 2023, some 18 months after his employment with TVNZ had ended. TVNZ's counterclaim was lodged on 6 December 2023.

[39] Mr Santamaria lodged an amended statement of problem (ASoP) on 27 March 2024 and a second amended statement of problem (2ASoP) on 4 November 2024. Mr Santamaria's affidavit addressed the delay between the ending of his employment on 31 May 2022 and the lodging of his first SoP 18 months later but did not explain the delay associated with him lodging two subsequent amended statements of problem.

[40] Mr Santamaria is also only seeking monetary remedies, which TVNZ is in a position to pay if required to do so. No urgent orders were sought to prevent or lead to an immediate outcome.<sup>21</sup>

[41] The Authority was also not satisfied that the claims made by Mr Santamaria were of such a nature that it was in the public interest to remove this matter to the Employment Court.

[42] Mr Santamaria submitted that there was a large public interest in his case due to prior media coverage, and that TVNZ, as a public agency, should account to the public for its decisions.

[43] That may be true but the mere fact TVNZ is a Crown entity did not indicate any inherent public interest or need for urgency. TVNZ also pointed out that the recent media attention in Mr Santamaria's case had predominantly been generated by him publishing information on his blog.

[44] While the public may be interested in (meaning curious about Mr Santamaria's situation) his claims did not raise to the level of the overall general "public interest", as required by s 178(2)(b) of the Act. Accordingly, the required public interest element of

---

<sup>21</sup> *QDY v Counties Manukau District Health Board* [2022] NZEmpC 117.

this removal ground was not met, because there was no overriding public interest need for this matter to be removed to the Court.

[45] Mr Santamaria was unable to establish either of the required elements for this ground for removal. The nature of the claims did not require removal, there was no urgency that required removal, nor was it in the overall public interest to remove this matter to the Court.

[46] Accordingly, the ground for removal in s 178(2)(b) of the Act has not been established.

*Section 178(2)(c) of the Act – does the Employment Court currently have the same, similar or related matters before it?*

[47] Section 178(2)(c) of the Act requires the Court to already have proceedings before it between the same parties and which involve the same, similar or related issues.

[48] Mr Santamaria's removal application was lodged on 4 November 2024 and the preliminary determination was issued on 18 November 2024. Mr Santamaria's removal application did not identify s 178(2)(c) as a ground for removal, because at that time his challenge to the preliminary determination had not yet been made. Mr Santamaria did however identify this as a ground for removal in his submissions and TVNZ had an opportunity to respond to that, so it has been assessed by the Authority.

[49] The matter currently before the Employment Court is Mr Santamaria's as yet unresolved de novo challenge to the Authority's preliminary jurisdiction determination.

[50] Mr Santamaria submitted his challenge related to the same, similar or related issues as this matter, being the alleged breaches of the RoS. He referred to the overlap between the determination under challenge and the breadth of the parties' pleadings before the Employment Court as evidence of that.

[51] TVNZ disagreed. It said the challenge only related to whether the RoS barred Mr Santamaria's breach of good faith and/or the implied duty to provide a safe workplace claims, because there was a dispute about whether or not they fell within the Authority's jurisdiction. TVNZ said they were barred, while Mr Santamaria said they were not.

[52] The issue of whether or not TVNZ breached the RoS is not currently before the Employment Court. This removal application sought to achieve that.

[53] TVNZ submitted the preliminary jurisdiction issues currently before the Court were not an intrinsic part of the factual matrix relating to the substantive claims, so were not sufficiently the same or similar to warrant removal. That submission was not accepted.

[54] Mr Santamaria's challenge did involve the same, similar or related issues to those being investigated in his original proceedings. This ground for removal was therefore established. It would likely be more efficient for the Court to have the entire matter before it when addressing the challenge rather than just the disputed jurisdiction issues.

*Section 178(2)(d) of the Act – was the Authority of the opinion the Court should determine the matter?*

[55] Section 178(2)(d) of the Act reserves the Authority a discretion to determine that a matter should be determined by the Employment Court in the first instance.

[56] Mr Santamaria submitted that the Authority should exercise its discretion to remove the matter under s 178(2)(d) of the Act due to:

- (a) The legally dense and complex nature of the proceedings;
- (b) The formal discovery that will be required;
- (c) The likelihood of challenge, even of the preliminary issue, that will lead to part of this case being before the Court in any event; and
- (d) The cost for the parties of inevitability having to deal with both an investigation and a challenge (or series of challenges) should the matter not be removed at this stage. Proceedings such as these will likely consume weeks of hearing time in the Authority requiring a more formal procedural approach, better suited to the Court.

[57] Mr McNulty in his affidavit pointed out that Mr Santamaria had already been provided with 2,750 documents and that he was still seeking access to further documentation. Mr Santamaria said he would be disputing the redactions that had occurred in the documents he had received. He also believed he had still not received all relevant information from TVNZ.

[58] The nature of the case, the entrenched views of the parties and the type of legal arguments Mr Santamaria has been making meant that any determination of the Authority was likely to be subject to challenge in the Employment Court.

[59] While that is normally a neutral factor in removal applications, in this particular case there would need to be a preliminary determination on admissibility and that is a matter that cannot be challenged until after the Authority had completed its investigation which would likely not be before 2026.

[60] The parties would therefore achieve a more timely and more cost effective final outcome if the Employment Court dealt with this matter in the first instance. One of the main purposes of the Authority conducting its investigation first was to use its flexible investigation powers to provide a speedy low cost forum for resolving the parties' employment relationship problems.

[61] However, in terms of Mr Santamaria's proceedings there has already been one preliminary determination and a further admissibility determination appears inevitable, given how far apart the parties are on disputed document related issues. The substantive claims and the counterclaim also cannot be progressed by the Authority until the current challenge has been dealt with by the Court.

[62] It would therefore be the most efficient use of the parties' time and resources for all matters to be before the Employment Court from the outset.

[63] Mr Santamaria's employment ended on 31 May 2022, so there has already been significant delay from the events that are in dispute. The Authority was concerned that the delay associated with retaining these proceedings could undermine the need to facilitate Mr Santamaria's access to justice.

[64] Mr Santamaria is strongly committed to having his concerns about the publicity that followed the end of his employment dealt with by the employment institutions. In his affidavit he stated "I became and remain unemployable". He believes he needed his proceedings resolved "as quickly and decisively as possible" in order for him to be able to return to his field of expertise.

[65] In Mr Santamaria's particular circumstances the fastest and most cost effective way of achieving the finality he sought would be to remove his matter to the Court. The Authority has not commenced its substantive investigation, so removal at this early stage would not mean the parties had incurred unnecessary additional costs.

[66] If the matter was not removed then the finality of Mr Santamaria's claim would likely be a considerable time away. The Authority has to wait for the outcome of the

current challenge as that will inform the ambit of its investigation of Mr Santamaria's claims.

[67] Once that was known, the Authority would then still need to determine the disputed document, disclosure and admissibility issues prior to conducting its substantive investigation. If Mr Santamaria was unsuccessful on any of those issues then a challenge was inevitable. This scenario would therefore necessarily involve a long drawn out costly process.

[68] In such circumstances removal was preferable, given that three of the four potential grounds for removal in s 178(2) of the Act had been established.

[69] While none of these factors identified above in themselves would have established a discrete ground for removal, the Authority's discretion under s 178(2)(d) of the Act allowed it to assess a wide range of factors to ensure that the overall interests of justice were met in each particular case in which removal was being considered.

[70] The factors referred to under the s 178(2)(d) of the Act ground for removal are viewed as discretionary factors that it was appropriate for the Authority to assess when exercising its removal discretion.

[71] Additional relevant factors in this particular case involved the legal complexity and lack of applicable case law from the Employment Court on the important questions of law that have been identified and the fact that the Court's more formal discovery processes were likely to be desirable given the volume and nature of the anticipated document related disputes between the parties.

[72] The parties have already foreshadowed that further disputes are likely to arise over the relevancy, production and redaction of documents Mr Santamaria believed were relevant to his claims. That means there will be additional preliminary admissibility issues that will need to be determined, and which cannot be challenged until after the Authority has completed its substantive investigation.<sup>22</sup>

[73] If Mr Santamaria was unsuccessful with his substantive claims then given the position adopted to date the matter would end up at the Court in any event. While that

---

<sup>22</sup> Section 179(5) of the Act.

is not a ground for removal in itself, it is a factor that can be considered when the Authority weighs its removal discretion.

[74] There was a high likelihood of the unsuccessful party bringing a de novo challenge in the Employment Court. There will be significant costs for the parties in having to go through the Authority's investigation process and then subsequently challenging the substantive determination, noting that admissibility issues could not be challenged until the matter had been finally concluded by the Authority.<sup>23</sup>

[75] The proceedings involving these parties will consume a significant amount of Authority resources. Mr Santamaria's substantive claims and TVNZ's counterclaims are currently on hold pending the outcome of his challenge.

[76] It was therefore unlikely the parties' proceedings could be heard by the Authority this year. Accordingly, removal in this particular matter would not result in any delay in resolving the parties' issues. It would also result in a final outcome of all matters between the parties in a more timely and more cost effective manner, if the Court dealt with all of the parties' claims in the first instances.

[77] Mr Santamaria's claims and the likely disputes that will arise regarding the provision of relevant information appear to be best suited to the more formal and structured discovery processes of the Court.

[78] The ground for removal in s 178(2)(d) of the Act has been made out.

*Findings on whether any of the s 178(2) grounds for removal were established*

[79] Three grounds for removal specified in s 178(2) of the Act were established, namely:

- (a) Section 178(2)(a) of the Act - this matter involved an important question of law that would arise other than incidentally; and
- (b) Section 178(2)(c) of the Act – the court has before it proceedings involving the same parties or the same, similar or related issues; and
- (c) Section 178(2)(d) of the Act - the Authority was of the opinion that in all the circumstances the court should determine this matter.

---

<sup>23</sup> Above n22.

### **Should the Authority exercise its discretion against removal?**

[80] Having concluded that three of the four grounds for removal in s 178(2) of the Act had been met, the Authority still had to consider whether to exercise its discretion against removing this matter to the Court.

[81] Having done so the Authority was satisfied there was no good reason to decline removal.

### **Outcome**

[82] Mr Santamaria's removal application succeeded.

[83] On that basis, the parties agreed the Court should also have TVNZ's counterclaim as this was so closely connected to Mr Santamaria's claims that it would be artificial to separate the original claim and the counterclaim. The Authority concurred.

[84] Accordingly, Mr Santamaria's original claim AEA 3263419 and TVNZ's counterclaim AEA 3267359 are to be removed to the Employment Court.

### **What costs should be awarded?**

[85] Mr Santamaria is the successful party, so he is entitled to a contribution towards his actual legal costs on this removal application. The parties are encouraged to resolve costs by agreement.

[86] If that is not possible, then Mr Santamaria has 28 days from the date of this determination to apply for costs and TVNZ then has 14 days from receipt of his costs submission within which to lodge and serve its costs submissions.

[87] The Authority is likely to adopt its usual notional daily tariff based approach to costs, which is currently \$4,500 for a one-day investigation meeting. This 'on the papers' removal determination should be treated for the purposes of assessing costs as if it had involved a half-day investigation meeting. The notional starting point for assessing costs on the removal application is therefore \$2,250.

[88] The parties are invited to identify in their submission any factors they say should result in the notional starting tariff being adjusted.

Rachel Larmer  
Member of the Employment Relations Authority