

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Lisa Pamich (Applicant)
AND Telecom Corporation of New Zealand Ltd (Respondent)
REPRESENTATIVES Howard Thompson, Counsel for Applicant
Nikki Dines, Counsel for Respondent
MEMBER OF AUTHORITY Leon Robinson
SUBMISSIONS RECEIVED 22 March 2005
5 April 2005
DATE OF DETERMINATION 7 April 2005

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] By a Determination dated 22 December 2004¹ I granted certain remedies to Ms Pamich by way of resolution of her employment relationship problem. Consequently, Ms Pamich now asks that I exercise my discretion to award her costs because the parties were unable to resolve the matter by agreement between them.

[2] Ms Pamich has incurred costs in the total sum of \$15,617.00 exclusive of GST and disbursements. I am not prepared to entertain an application for costs in respect of and leading up to mediation. The relevant costs in respect of the Authority's investigation is the sum of \$11,517.00. Ms Pamich seeks a full contribution from Telecom for her costs.

[3] In reply, Ms Dines for Telecom says that Ms Pamich was only partially successful in her claim and that the majority of her claims were rejected by the Authority. I agree that correspondence from Ms Pamich's counsel is not to be regarded as a calderbank letter.

[4] The investigation meeting proceeded over one day. It did not involve complex legal issues. Taking a broad brush approach, Ms Pamich succeeded in her claim against Telecom. This is not an appropriate case to award full solicitor/client costs and I decline to do so. I am satisfied however that costs should follow the event and that I should exercise my discretion to award costs to Ms Pamich. Such an award shall not be punitive for Telecom nor illusory for Ms Pamich. I am not advised that Telecom has limited means to satisfy any award made against it.

[5] I consider that a reasonable contribution to Ms Pamich's costs of \$11,517.00, in this investigatory jurisdiction, is the sum of \$4,000.00.

¹ AA421/04

[6] In the principled exercise of my discretion, **I order Telecom Corporation of New Zealand Limited to pay to Lisa Pamich the sum of \$4,000.00 as a contribution to her costs.**

Leon Robinson
Member of Employment Relations Authority