

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 68A/10  
5163514

BETWEEN                      NATALYA MATYAGINA  
   Applicant  
  
A N D                              MATIPO TRADING  
   COMPANY LIMITED  
   Respondent

Member of Authority:      Helen Doyle

Representatives:            Mark McGinn, Advocate for Applicant  
   John Delore, Advocate for Respondent

Submissions Received:    29 March 2010 from Applicant  
   No submissions received from Respondent

Determination:              28 May 2010

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1]     In my determination dated 16 March 2010, I found in favour of the applicant that she had a personal grievance that she had been unjustifiably dismissed and accordingly awarded her remedies. I reserved the issue of costs and timetabled for an exchange of submissions. Submissions were received from Mr McGinn on behalf of the applicant in accordance with that timetable but no submissions were received from the respondent within the timeframe set and no extension was sought. In the circumstances, I shall now proceed to determine the issue of costs.

**The applicant's submissions**

[2]     Mr McGinn submits that the applicant's actual costs excluding GST were \$7,300. Part of those costs included preparation and attendance at mediation but excluded the cost of preparation of costs submissions.

[3] Mr McGinn submits that the costs incurred are reasonable and he seeks a significant contribution toward them on the applicant's behalf.

### **Determination**

[4] The leading Employment Court judgment with respect to costs in the Authority is *PBO Ltd (formerly Rush Security Ltd) v. Da Cruz* [2005] 1 ERNZ 808. The principles that are appropriate to the Authority and consistent with its functions and powers are set out in *PBO* for exercising the discretion of costs. I apply those principles in the exercise of my discretion as to costs in this matter.

[5] The applicant was successful and there is no good reason to depart from the usual principle that she is entitled to a contribution towards her costs in bringing the claim before the Authority.

[6] In assessing the actual costs incurred by the applicant, I am not persuaded that costs incurred for mediation should be taken into account.

[7] The investigation meeting commenced at 9.30am and was able to be concluded by 1.45pm. There was a brief adjournment during this time. Written submissions were provided after the meeting had concluded on behalf of the applicant and, taking those into account and the time for completing the costs submission, I consider it fair and reasonable to evaluate costs on the basis of a full day.

[8] *PBO* recognised that costs in the Authority are frequently assessed on the basis of a daily tariff which is now recognised by the Employment Court to be in a range up to \$3,000. *PBO* also recognises that awards in the Authority will be modest.

[9] I find that an appropriate daily tariff in this matter is \$3000 and do not find there is any good reason to make any adjustment to that sum. In the exercise of my discretion I find that \$3000 is a fair and reasonable contribution to the applicant's costs.

[10] I order Matipo Trading Company Limited is to pay to Natalya Matyagina the sum of \$3,000 being costs

Helen Doyle  
Member of the Employment Relations Authority