

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
ŌTAUTAHI ROHE**

[2019] NZERA 595  
3035714

BETWEEN                      GAYLE CLEARWATER  
Applicant

AND                              B L RAYNER (1993) LIMITED  
Respondent

Member of Authority:      Andrew Dallas

Representatives:            Janet Copeland, counsel for Respondent  
Matthew Dearing, counsel for the Respondent

Determination:              17 October 2019

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**COSTS DETERMINATION OF THE AUTHORITY**

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**Introduction**

[1] By determination issued on 19 August 2019, the Authority made findings about Gayle Clearwater's employment relationship problem with B L Rayner (1993) Limited (Rayner). The Authority found that Ms Clearwater was unjustifiably dismissed by Rayner.

[2] The determination reserved the issue of costs but encouraged the parties to resolve this between themselves. The parties were advised that if such agreement was not reached, the Authority's assessment of would commence at the applicable daily tariff of \$4,500.

**Ms Clearwater's claim for costs**

[3] In a memorandum on costs subsequently lodged Mr Clearwater, through her representative, sought an order for the daily tariff of \$4,500 plus \$71.56 being reimbursement of the Authority's filing fee.

### **Rayner's response submissions**

[4] Rayner said while it had ceased trading "many months ago", it did not oppose Ms Clearwater's claim for costs based on the daily tariff.

### **Outcome**

[5] The sum of \$4,500 in costs must be paid by Rayner to Ms Clearwater within 14 days of the date of this determination. While Rayner did not make a submission about Ms Clearwater's claim to be reimbursed the Authority's filing fee, I find this is fair and reasonable in all the circumstances of the case. Rayner must also pay Ms Clearwater \$71.56 within 14 days of the date of this determination.

Andrew Dallas

Chief of the Employment Relations Authority