

Department or by providing bank statements for the relevant period. I reserved leave for either party to return to the Authority if agreement could not be reached about lost wages.

[2] Mr de Wattignar provided the relevant information about earnings during the relevant period and the Authority has now been advised by both representatives that agreement has been reached about the amount of net wages to be paid to the applicant.

[3] I record that by agreement wages are to be paid by Quality Firewood Limited to Nicholas Hogeboom in the sum of \$402.41 net.

Costs

[4] Mr de Wattignar has provided details of the actual costs the applicant has incurred in pursuing his claim of \$1,875. This is 12.5 hours @ \$150 per hour. Mr de Wattignar, on behalf of the applicant, seeks reimbursement of the full amount of costs incurred.

[5] Ms McKay does not agree with some submissions made about the representation of Quality Firewood. I have not set those submissions out as I do not consider them relevant to the issue of costs.

[6] Ms McKay submits that an award of costs should not be made in favour of the applicant.

[7] The leading Employment Court judgment on costs in the Authority is *PBO Ltd (formerly Rush Security) v. Da Cruz* [2005] 1 ERNZ 808. In *PBO* the Full Court of the Employment Court stated in paragraph [44] that the Authority is able to set its own procedures and has since its inception held to some basic tenets when considering costs. These include that there is a discretion as to whether costs are awarded and in what amount. That discretion is to be exercised in accordance with principle and not arbitrarily.

[8] Costs generally follow the event and there is no good reason why they should not in this case. The applicant was successful and is entitled to a contribution towards his costs. Awards in the Authority will be modest. Frequently costs in the Authority are judged against a notional daily rate which is now recognised as \$3,500 per day.

[9] Mr de Wattignar's costs are reasonable. The investigation meeting did not occupy a full day although costs are not usually awarded on an indemnity basis. Taking all matters into account I am of the view that a fair and reasonable award for costs would be the sum of \$1,500.

[10] I order Quality Firewood Limited pay to Nicholas Hendricus Hogeboom the sum of \$1,500.

Helen Doyle
Member of the Employment Relations Authority