

\$2,199.33 in defending the claim. A breakdown of hours is available if requested by the authority.

- [3] The company seeks a costs order of \$3,000 plus disbursements on the grounds that, amongst other things, it reflects a fair contribution to actual and reasonable costs for a one day investigation involving 6-witnesses.

Mr Parker's Response

- [4] On the applicant's behalf it is argued he is a sickness beneficiary of very limited means. He has a large bill of costs of his own to pay off which he is doing at \$5.00 per week (which I presume is in respect of his representation at the authority's investigation). Because the company refused to negotiate Mr Parker's offer to settle this matter at the time of his dismissal it should carry its own costs for the matter going to an investigation.

- [5] The claim is unreasonable when the actual hearing was over after lunch.

Findings

- [6] The Authority's discretion with which to award costs is now well settled and typically follow the event: *PBO Limited (formerly Rush Security Limited) v Da Cruz* [2005] 1 ERNZ 808.

- [7] This investigation took more than a half-day investigation. During the investigation I explained to Mr Parker the risks of costs following a determination in the company's favour.

- [8] I do not accept the company's disbursement claim for its counsel's airfare as competent local counsel was available to it.

- [9] No details of Mr Parker's financial circumstances including any assets or savings has been provided, other than that he is able to pay \$5.00 per week for the costs of representation for the authority's investigation. It is open to the parties to enter into a similar repayment regime to the company. There is no evidence of Mr Parker not being able to make similar payments to the respondent into the future.

[10] As indicated to the parties during the investigation, and after regard to their submissions, I am satisfied there is no reason to depart from the authority's normal range of costs awards for what proved to be more than a half day investigation. Having regard to the above, and the need for the company to bring in an out of town witness, a costs award of \$2,500 for the investigation is appropriate in all the circumstances.

Determination

[11] Mr Parker is to pay the company as a contribution to its fair and reasonable costs \$2,500 (two thousand and five hundred dollars).

Denis Asher

Member of the Employment Relations Authority