

[5] The parties were not required to, and did not submit written statements during or after the investigation meeting. The Authority relied on the statement of problem filed on 3 November 2009 and the statement in reply from the respondent as the basis of the parties' evidence. This paperwork included a statutory declaration from Mr Smith (dated 21 October 2009) and the respondent's statements from two witnesses prepared on 27 November 2009 and 1 December 2009 respectively. There were various documents associated with the employment relationship problem that were also filed.

[6] The applicant's claim has been made on the basis that: the case was avoidable, DTZ's approach has been punitive and Mr Smith's legal fees include other assistance including the preparation of the Statutory Declaration used in the Authority's investigation, briefing and preparing evidence, various legal research and preparation for the Authority's investigation meeting.

[7] This is not an employment relationship problem that should involve a departure from the usual tariff approach to costs. Therefore I am not prepared to assess reasonable costs on the basis of 2/3rds actual costs. It seems to me that there was nothing unusual or exceptional about the case. I have no evidence that the respondent's resistance to Mr Smith's claim was a punitive action. There was a genuine dispute to be tested. Mr Smith proved successful, and therefore costs follow the event. He was represented and there needed to be some preparation, including the filing of the statement of problem and relevant documents, which included the Statutory Declaration upon which evidence in the Authority was based. The hearing lasted a half day. Therefore reasonable costs would be in the order of the tariff for a full day and this amounts to \$3,000 and a contribution towards costs would be 2/3rds of that, I hold.

[8] I order DTZ Limited to pay to Donald Ian Smith \$2,000 contribution towards his costs and the \$70 filing fee.