



submits that, under its equity and good conscious jurisdiction, the Authority ought to allow costs to lie where they have fallen. Alternatively, counsel submits that if costs are to be awarded, they should be modest and in line with *PBO Ltd (formerly Rush Security Ltd) v. Da Cruz* [2005] ERNZ 808.

[4] Having considered the issues in the light of both submissions, I find it is appropriate to have costs follow the event and to apply the principles set out in *PBO*, that is, a tariff based approach.

[5] Beginning with the daily tariff of \$3,000, I have considered the submissions as to misdirected elements of the respondent's counterclaim which, it is submitted, extended the investigation meeting and the briefing out of town counsel by the respondent. I have also had regard to the Calderbank offer which was declined.

[6] The meeting was completed in a day. Having originally sought lost remuneration in his application, the applicant abandoned that claim at the investigation meeting. Had that claim never been lodged, the outcome of mediation and the settlement offer may well have been different.

[7] Standing back and weighing the issues put before me by counsel, I believe a just reward costs to the respondent in the sum of \$3,500.

Paul Montgomery  
Member of the Employment Relations Authority