

Company's Costs Submissions Summarised

[3] In costs submissions received on 20 April the Company said it had been unable to agree on costs with Mr McMillan-Parata as, despite numerous attempts to do so, it had been unable to make contact with him.

[4] Consistent with earlier submissions and, after taking notice of the Authority's comment at para 35 of its determination, it seeks cost in the vicinity of \$2,000.

Mr McMillan-Parata's Position Summarised

[5] Efforts by Authority support staff to contact Mr McMillan-Parata, like those of the applicant's, have proved unsuccessful. No recent details have been provided as to his ability to pay. He did not meet the Authority's deadline of providing submissions by 4 May.

Discussion and Findings

[6] The Authority's discretion with which to award costs is now well settled and typically follows the event: see *Da Cruz* above.

[7] After having regard to the applicant's submission, accepting as it does the Authority's preliminary assessment, the preparation the Company was obliged to undertake for the investigation, and in the absence of any reason to determine otherwise, I am satisfied that a costs award against Mr McMillan-Parata of \$2,000 is appropriate. The parties may wish to discuss suitable periodic payments in light of Mr McMillan-Parata's ability to pay this award.

Determination

[8] Mr McMillan-Parata is to pay to the Company as a contribution to its fair and reasonable costs \$2,000 (two thousand dollars).

Denis Asher

Member of the Employment Relations Authority