

makes it unnecessary to respond in the Authority to the costs application. The opportunity to do so was nevertheless given.

[4] The investigation meeting took nearly two days. In that time the evidence of a number of witnesses was taken and examined and counsel, Ms McNally and Mr Skelton, gave comprehensive submissions orally and in writing. The evidence was necessarily detailed and technical.

[5] In submissions with respect to costs Mr Skelton has sought an order on the basis that costs in this case should follow the outcome of it, which was in favour of his client, and that costs awards in the Authority are frequently assessed against a notional daily rate. He submits that there are no unusual features in this case calling for a departure from that normal approach.

[6] New Zealand Steel Ltd seeks an award of \$5,000 from Mr King, which amount it considers to be a modest contribution to its actual legal costs incurred by taking part in the Authority's investigation.

[7] I agree that for a case of this kind which was able to be efficiently investigated with the co-operation of counsel and witnesses the notional daily rate approach is appropriate. I consider that \$5,000 in this case is a moderate but realistic amount for a two day investigation and should be awarded.

[8] Mr Charles King is therefore ordered to pay \$5,000 to New Zealand Steel Ltd in costs, pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000.

A Dumbleton
Member of the Employment Relations Authority