



- Comprehensive submissions were prepared to address the legal and factual matrix before the Authority.

### **Determination**

[3] *PBO Ltd v Da Cruz*<sup>1</sup> sets out the appropriate principles to be applied by the Authority in exercising its costs discretion. It is usual that costs follow the event. I find that an award of costs is warranted in this matter. In the circumstances of these proceedings, in particular the nature of the matters before the Authority, the hearing time involved (2 part days) and the respondent's repeated failure to constructively participate in these proceedings, and accepting \$3000<sup>2</sup> as a usual notional daily rate in the Authority, I set the costs award at \$4000.

**[4] Gateway Motel Limited is ordered to pay \$4000 in costs plus disbursements of \$74 to Jason Lewis: pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000.**

Marija Urlich

Member of the Employment Relations Authority

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<sup>1</sup> [2005] 1 ERNZ 808

<sup>2</sup> *Chief Executive, Department of Corrections v Tawhiwhirangi (No 2)* [2008] ERNZ 73