



[4] Mr Speed seeks an award of \$3,000 as a reasonable contribution to actual costs which, it is submitted, were much greater although the precise amount has not been disclosed.

[5] For Hyro Services Pty Ltd it is submitted that \$3,000 is at the top of the scale of costs awards for Authority investigations and that the amount awarded should be much lower, between \$1,000 and \$2,000, to reflect the less than one day meeting time.

[6] The principles to be applied by the Authority are set out in the Employment Court decision of *PBO Ltd v. Da Cruz* [2005] 1 ERNZ 808.

[7] A particular factor referred to by both parties was the failure of Hyro Services Pty Ltd to participate in the investigation meeting and in the investigation generally.

[8] I bear it in mind that the purpose of costs is to compensate rather than punish. The consequences of the second respondent's conduct have already been visited on it with the restrictions placed by the Employment Court on the company's ability to proceed with its *de novo* challenge to the Authority's determination.

[9] I do not consider that the employer's non-participation in the investigation significantly reduced the costs that had to be expended by Mr Speed in presenting his case. Much of the preparation had to be done before the investigation meeting.

[10] The level of monetary remedies obtained by Mr Speed from the Authority (about \$48,000 in total) is an indication of the higher degree of preparation required for a less straightforward case such as this.

[11] I consider that an award near the top end of the notional scale is warranted in the circumstances of this case.

[12] Pursuant to clause 15 of Schedule 2 of the Act, I fix costs at \$2,750 to be paid by Hyro Services Pty Ltd to Andrew Speed.

