

[4] The principles applicable to an award of costs in the Authority have been set out in *PBO Limited (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808. The Full Court set out a number of principles including that costs generally follow the event, are frequently judged against a notional daily rate and that awards will be modest. An award of costs is discretionary but the discretion is to be exercised accordance with principle and not arbitrarily. Costs are not to be punitive and will generally be modest.

[5] While I recognise that time had to be taken to prepare extensive evidence, I also need to take into account the applicant's financial situation. In the circumstances, I am not persuaded that there should be a departure from the notional daily rate. The respondent is entitled to a contribution to its costs and I set that at \$2,500.

[6] The respondent has also sought disbursements of \$786.13 for travel and \$140.44 for accommodation. While I assume that these disbursements are for Mr Drake's travel I do not know this as no specifics have been provided to me. The applicant is to pay the disbursements subject to the respondent providing details and receipts to the support officer.

[7] The applicant is to pay the respondent the sum of \$2,500 in costs.

Dzintra King

Member of the Employment Relations Authority