

the substantive determination. Mr Mana has also emailed the Authority advising of steps he intends to take which may be relevant to debt relief. No information was provided in support which could be weighed in the consideration of costs.

Costs principles

[3] The Authority has power under clause 15 of Schedule 2 of the Act to award costs. This power is discretionary and must be used in a principled manner. Principles guiding the Authority's approach to costs include:

- The statutory jurisdiction to award costs is consistent with the Authority's equity and good conscience jurisdiction.
- Equity and good conscience is to be considered on a case by case basis.
- Costs are not to be used as a punishment or as an expression of disapproval for an unsuccessful party's conduct, although conduct which increased costs unnecessarily can be taken into account in inflating or reducing an award.
- Costs generally follow the event.
- Awards will be modest.
- Frequently costs are judged against a notional daily tariff.

Costs analysis

[4] Mr Taylor was the successful party and it is usual that costs follow the event and that the unsuccessful party will be required to make a contribution towards the successful party's costs. It is accepted he has incurred actual costs of \$5,271.56 in respect of this matter. He should receive a contribution to costs which I am satisfied were reasonably incurred.

[5] The notional daily tariff is a starting point. The applicable daily tariff is \$4,500.00 with subsequent days \$3,500.00. This matter involved investigation meeting time of approximately two and a half hours. Costs are sought of \$2,321.56 comprising half the first-day notional daily tariff, plus a GST calculation, plus the lodgement of fee of \$71.56.

[6] In his submissions Mr Taylor says he has attempted to engage with Mr Mana to reach agreement over the issue of costs and though his communications were acknowledged agreement has not been reached. He submits he does not seek to punish Mr Mana through an award of costs.

[7] Having considered the submissions and information received and guided by the principals applicable to a consideration of costs Mr Taylor is entitled to half the first-day notional daily tariff and to recover the \$71.56 filing fee.

Outcome

[8] Mr Mana is ordered to pay Mr Taylor \$2,321.56 as a contribution to his costs within 21 days of the date of this determination.

Marija Urlich
Member of the Employment Relations Authority