

- Costs are not to be used as a punishment or as an expression of disapproval of an unsuccessful party's conduct although conduct which increases costs unnecessarily can be taken into account in inflating or reducing an award;
- It is open to the Authority to consider whether all or any of the parties costs were unnecessary or unreasonable;
- That costs generally follow the event;
- That without prejudice offers can be taken into account;
- That awards will be modest;
- That frequently costs are judged against a notional daily rate;
- The nature of the case can also influence costs and this has resulted in the Authority ordering that costs lie where they fall in certain circumstances.

[5] There is nothing in this case to derogate from the principle that costs follow the event. The contribution to costs sought by the respondent is \$1,500.00. Mr Nabney has advised the Authority that the application from the respondent is within the usual guidelines for a matter such as this and agrees that the amount sought is appropriate. I do not regard the quantum of the costs claimed as being excessive or unreasonable given the preparation required and the length of the hearing.

[6] The costs award in favour of the respondent against the applicant will be \$1,500.00.

[7] An order is made accordingly.

Vicki Campbell
Member of Employment Relations Authority