

- The statutory jurisdiction to award costs is consistent with the equity and good conscience jurisdiction of the Authority;
- 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 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.

[4] In addition, the Court has stated that there is nothing wrong with a tariff based approach so long as it is not applied in a rigid manner without regard to the particular characteristics of the case.

[5] The matter was not complex and the hearing lasted for less than half a day.

[6] The Knowledge Gym (NZ) Limited incurred costs of \$1,225.00 plus disbursements of \$25.00, both amounts exclusive of GST. Taking into account the preparation required, and the length of the hearing Mr Bailey is to contribute \$500 as a reasonable contribution to costs and disbursements.

[7] An order is made accordingly.

Vicki Campbell
Member of Employment Relations Authority