



- 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.

[3] 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.

[4] On behalf of Ms Fleet, Ms Swarbrick argues that costs should lie where they fall, or, in the alternative that only a minimal award be made. Ms Swarbrick has provided information which shows that not only is Ms Fleet not currently employed, but she is impecunious and is not meeting her obligations to her own counsel.

[5] In coming to my conclusions in this matter I have taken into account the ability of Ms Fleet to pay and, in particular, whether Ms Fleet has any prospect of complying with an award of costs. While it is accepted that an award of costs will be a further impost on Ms Fleet, as the losing party she is required to make contribution to IDEA's costs, albeit this will be at the lower end of the scale.

[6] Counsel has claimed disbursements relating to the travel and accommodation of out of town counsel. Ms Fleet ought not to be burdened with the expense of having to meet these disbursements as I can see no reason why it was necessary for IDEA to have counsel travel from Wellington to Hamilton for the hearing. I consider it appropriate in the present case to award the successful respondent the total sum of \$750.00 as a contribution to its costs.

[7] An order is made accordingly.

Vicki Campbell  
Member of Employment Relations Authority