

principles guiding the Authorities discretion are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz*

- There is a discretion as to whether costs should be awarded and what amount;
- The discretion is to be exercised in accordance with principle;
- 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] Mr Main succeeded in his personal grievance claim; it was a relatively straightforward uncomplicated matter. It is appropriate that costs should follow the event therefore he is entitled to a contribution toward his costs. Costs awards in the Authority are modest. In exercising the Authority's discretion to award costs, Interior Developments Limited is ordered to pay Mr Main \$1500.00 as a contribution towards the costs he has incurred.

Ken Raureti

Member of the Employment Relations Authority