

- Costs incurred by NRG in defending this matter were reasonable and necessary.

Determination

[3] *PBO Ltd v Da Cruz*¹ sets out the appropriate principles to be applied by the Authority in exercising its costs discretion. It is usual that costs follow the event. I find that an award of costs is warranted in this matter. In the circumstances of these proceedings, in particular the nature of the matters before the Authority, the hearing time involved (2 days) and accepting \$3000² as a usual notional daily rate in the Authority, I set the costs award at \$5000.

[4] Liberio Giuseppe Riosa is ordered to pay \$5000 in costs plus disbursements of \$50 to NRG Home Electrical Limited: pursuant to clause 15 of Schedule 2 of the Employment Relations Act 2000.

Marija Urlich

Member of the Employment Relations Authority

¹ [2005] 1 ERNZ 808

² *Chief Executive, Department of Corrections v Tawhiwhirangi (No 2)* [2008] ERNZ 73