

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2011] NZERA Auckland 335  
5307654

BETWEEN                      LOGAN ANDERSON  
   Applicant  
  
AND                                PROMAX COMPUTERS  
   LIMITED  
   Respondent

Member of Authority:      Vicki Campbell  
  
Representatives:            Anamika Singh for Applicant  
   Wayne Davies for Respondent  
  
Submissions received:      No submissions from Applicant  
   31 May 2011 from Respondent  
  
Determination:                27 July 2011

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In a determination dated 6 May 2011, the Authority held that Mr Anderson's claim against Promax Computers Limited (Promax) for a personal grievance for unjustified dismissal had not been established.

[2] I reserved the question of costs and invited the parties to resolve the matter between them. The parties have been unable to resolve the matter between them and I am now in receipt of a memorandum from the Respondent seeking a contribution towards its costs.

[3] The principles appropriate to the exercise of the Authority's discretion in relation to costs are set out in *PBO Ltd (formerly Rush Security Ltd) v Da Cruz*<sup>1</sup>. Costs will generally follow the event and awards will be modest. However, in exercising its discretion to award costs the Authority is required to first consider whether the costs incurred by Promax were reasonable in all the circumstances.

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<sup>1</sup> [2005] 1 ERNZ 808.

[4] While unrepresented at the Authority's investigation meeting, Mr Davies has provided proof to the Authority that he did seek legal advice relating to the personal grievance claim by Mr Anderson. He was assisted by legal counsel throughout the initial stages of the Authority's investigation and has provided copies of invoices which show his total costs amounted to \$2,887.50 plus disbursements of \$25.00.

[5] The costs incurred seem more than reasonable given the nature of the claim. The Authority is not in receipt of any submissions from the Applicant.

[6] The investigation meeting was completed in less than a day. Having regard to the nature of the investigation, and in the principled exercise of my discretion **Mr Anderson is ordered to pay to Promax Computers Limited the sum of \$1,000 in costs plus disbursements of \$25.00.**

Vicki Campbell  
Member of the Employment Relations Authority