

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 53A/08
5105616

BETWEEN JOHN ANDERSON
 Applicant

AND RESOLUTION AUDIO
 VISUAL CONSULTANTS
 LIMITED
 Respondent

Member of Authority: R A Monaghan

Representatives: John Anderson, in person for Applicant
 Parvez Akbar, counsel for Respondent

Submissions received: 17 March 2008 from Respondent

Determination: 15 April 2008

COSTS DETERMINATION OF THE AUTHORITY

[1] In a determination of the above, dated 19 February 2008, I found Mr Anderson's dismissal was justified. Costs were reserved.

[2] RAVC has filed a memorandum seeking a contribution to costs, plus disbursements. The Authority advised Mr Anderson that since the application had been made it would be addressed, and Mr Anderson's challenge to the substantive determination did not affect this. Mr Anderson's response to the memorandum was sought, but none has been provided.

[3] Regarding the principles applicable to determining costs in the Authority, Mr Akbar cited the decision of the Employment Court in **PBO Limited (formerly Rush Security Limited) v da Cruz**¹.

¹ [2005] 1 ERNZ 808

[4] As the successful party, RAVC is entitled to a contribution to its costs. In setting that contribution I note that the investigation meeting took a day and up to a point both parties had prepared fully and efficiently. However Mr Anderson had prepared and filed voluminous reference material, much of which was presented in support of misconceived argument and was applied in a misconceived way. Mr Akbar says the respondent's time was taken up unnecessarily when it considered and responded to that material. He also pointed to what he called frivolous applications in respect of issues that could have been addressed in a simple phone call. Although Mr Akbar did not identify the applications in question, Mr Anderson did file numerous applications in an attempt to obtain material associated with the advertising of the vacancy eventually filled by Kris O'Brien. Those were unnecessary.

[5] Mr Akbar also said the company attended mediation in good faith and with an open mind with a view to resolving the issues between the parties, but believes Mr Anderson failed to do so. I am not in a position to take that matter any further than to note that, in an emailed message to RAVC, Mr Anderson expressed a view that RAVC had acted in gross violation of the Employment Relations Act and that mediation would not be helpful.

[6] Mr Akbar cited costs in the sum of \$7,525. I accept those were reasonably incurred. Bearing in mind the extent to which Mr Anderson raised matters unnecessarily, and the level of costs usually awarded in respect of a one-day meeting, I order Mr Anderson to contribute to RAVC's costs in the sum of \$4,000.

[7] Disbursements were sought in the sum of \$72.10. The sums comprising the total were said to relate to 'courier', 'administration fee' and 'taxi.' That is too little information. There will be no further order in respect of disbursements.

R A Monaghan

Member of the Employment Relations Authority