

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKĀURAU ROHE**

[2025] NZERA 185  
3290939

BETWEEN JAGTESWAR SANDHU  
Applicant

AND HEALTH NEW ZEALAND  
Respondent

Member of Authority: Eleanor Robinson

Representatives: Applicant in person  
David Grindle, counsel for the Respondent

Submissions received: 7 March 2025 from the Applicant  
None from the Respondent

Determination: 1 April 2025

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1] In a determination dated 21 February 2025 [Determination [2025] NZERA 106] the Applicant, Jagteswar Sandhu, was determined to be owed monies by the Respondent, Health New Zealand, in respect of unpaid expenses.

[2] In that determination costs were reserved in the hope that the parties would be able to settle this issue between themselves. Unfortunately they have been unable to do so, and Dr Sandhu has filed submissions in support of a costs application.

[3] The matter involved a half day investigation meeting.

[4] Dr Sandhu is claiming the sum of \$3,064.10. This sum includes the sum of \$1383.93 in respect of travel to and from the hearing and accommodation and meal costs. These are not sums for which costs are normally awarded in the Authority, a contribution to costs is awarded in respect of legal costs incurred in the hearing. Dr Sandhu is also claiming reimbursements of costs incurred in relation to documentation and printing costs associated with the hearing.

[5] Dr Sandhu represented himself and while costs are not normally awarded to self-represented applicants, there is an acknowledgement of legal expenses properly incurred.

#### *Principles*

[6] The power of the Authority to award costs arises from Section 15 of Schedule 2 of the Employment Relations Act 2000 which states:

##### **15 Power to award costs**

- (1) The Authority may order any party to a matter to pay to any other party such costs and expenses (including expenses of witnesses) as the Authority thinks reasonable.
- (2) The Authority may apportion any such costs and expenses between the parties or any of them as it thinks fit, and may at any time vary or alter any such order in such manner as it thinks reasonable.

[7] Costs are at the discretion of the Authority<sup>1</sup>. The principles and the approach adopted by the Authority on which an award of costs is made are well settled and outlined in *PBO Limited (formerly Rush Security Ltd) v Da Cruz (Da Cruz)*<sup>2</sup>.

[8] It is a principle set out in *Da Cruz* that costs are not to be used as a punishment. It is also a principle that costs are discretionary and awards made are consistent with the Authority's equity and good conscience jurisdiction.

#### **Costs Award**

[9] Dr Sandhu, although not wholly successful in all his claims before the Authority was the overall successful party. Costs usually follow the event.

[10] Dr Sandhu obtained legal advice which required a legal database use. I consider that this cost has been properly incurred and should be reimbursed.

**[11] I order Health New Zealand to pay Dr Sandhu the sum of \$1,358.62 as costs. Dr Sandhu is also to be paid the sum of \$250.00 as disbursements.**

**[12] Health New Zealand is ordered to pay Dr Sandhu the Authority filing fee in the sum of \$71.55.**

Eleanor Robinson  
Member of the Employment Relations Authority

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<sup>1</sup> *NZ Automobile Association Inc v McKay* [1996] 2 ERNZ 622

<sup>2</sup> *PBO Limited (formerly Rush Security Ltd) v Da Cruz* [2005] 1 ERNZ 808