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Anderson v Promax Computers Limited (Auckland) [2011] NZERA 524; [2011] NZERA Auckland 335 (27 July 2011)

Last Updated: 23 August 2011

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: Submissions received:

Anamika Singh for Applicant Wayne Davies for Respondent

No submissions from Applicant 31 May 2011 from Respondent

Determination: 27 July 2011

COSTS DETERMINATION OF THE AUTHORITY

[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* [1]. 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.

[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

[\[1\] \[2005\] NZEmpC 144; \[2005\] 1 ERNZ 808.](#)

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