

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Clive Raymond Creed & David Robert McLue (Applicant)
AND Poliken Equities Limited (Respondent)
REPRESENTATIVES Clive Raymond Creed In person
Boon Hong, Advocate for Respondent
MEMBER OF AUTHORITY Vicki Campbell
SUBMISSIONS RECEIVED 2 November 2004 from Respondent
No submissions received from Applicant
DATE OF DETERMINATION 13 September 2005

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] The Authority found in its determination dated 18 October 2004 that Mr Creed and Mr McClue were not employees of Poliken Equities Ltd and therefore the Authority had no jurisdiction to determine their problems.

[2] As the successful party Mr Hong says he should be fully refunded for the costs and expenses incurred in opposing Mr Creed and Mr McClue's application. Mr Hong has outlined the time and expense involved in preparing and attending the investigation meeting.

[2] The general principle is that an unrepresented litigant is not entitled to be reimbursed legal costs for the litigant's own time (*Health Technology Limited v MacDonald* [1993] 2 ERNZ 842). This principle applies to this situation. Legal advice has not been sought and paid for in preparation for the investigation meeting. Poliken Equities Limited was represented by Mr Hong, a Director, at the investigation meeting.

[3] There shall be no award for costs against the applicants in this matter.

Vicki Campbell
Member of Employment Relations Authority