

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Lee Garrick (Applicant)  
**AND** Treetops Limited (Respondent)  
**REPRESENTATIVES** Julie Hardaker, for Applicant  
Justine Foden, for Respondent  
**MEMBER OF AUTHORITY** Y S Oldfield  
**SUBMISSIONS** 10, 11 November 2005  
**DATE OF DETERMINATION** 14 November 2005

**DETERMINATION OF THE AUTHORITY AS TO COSTS**

[1] I issued a determination in relation to this matter on 17 October 2005. In it I concluded:

*“The amended statement of problem ... does not in my view describe a problem which is within the jurisdiction of this Authority to resolve, even if the facts as alleged by the applicant are proven...”*

*There is therefore nothing more that I can do in relation to the matters that the applicant wishes to have resolved.”*

[2] These conclusions were arrived at without the usual witness statements and investigation meeting. That is to say, the Authority’s investigation did not proceed beyond a consideration of the amended statements of problem and reply.

[3] The respondent has now made a claim for actual costs (of \$2,981.25 inclusive of GST) on the basis that the case was “clearly inappropriately brought.” The applicant opposes any award of costs.

**Determination**

[4] The level of costs sought by the respondent is not reasonable. Because this matter did not proceed to a normal investigation, any cost to the respondent has been kept to an absolute minimum. Any award of costs in such a matter could only be token. In all the circumstances I do not consider an award of costs is appropriate. **I decline to make any order.**

Y S Oldfield  
Member of Employment Relations Authority