

*Under the Employment Relations Act 2000*

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**BETWEEN** Ross Ivan Harlick, Applicant  
**AND** Tournament Parking Limited, Respondent  
**REPRESENTATIVES** Ross Ivan Harlick in person  
James Brown, for Respondent  
**MEMBER OF AUTHORITY** Y S Oldfield  
**SUBMISSIONS** 10 August, 24 August  
**DATE OF DETERMINATION** 16 October 2006

**DETERMINATION OF THE AUTHORITY AS TO COSTS**

Employment Relationship Problem

[1] In a determination dated 19 July 2006 I found that Mr Harlick was entitled to redundancy pay pursuant to his employment agreement and ordered payment accordingly. As the successful party, and notwithstanding the fact that he was not represented at the investigation meeting, Mr Harlick now seeks costs. In support of this claim he supplied me with copies of an invoice from Middlemore Carparking Ltd, his new employer, for \$1,125.00 for "*reimbursement of legal costs incurred*". Also supplied was an invoice from a legal firm to Middlemore Carparking Ltd which covers services in relation to issues concerning Mr Harlick and another individual. The invoice from Middlemore Carparking Ltd appears to be for reimbursement of part of the invoiced amount.

[2] Tournament Parking Ltd opposes the claim for costs on the basis that the invoices provided do not indicate the allocation of costs between Mr Harlick and the other individual. It also says that the Middlemore Carparking invoice cannot be relied upon to establish this point.

Determination

[3] I share the concerns the respondent has expressed. In addition I note that the invoice relates to services provided in October 2005 to a Mr Choe of Middlemore Carparking Ltd. There is nothing to indicate that it relates to preparation for the investigation meeting in mid 2006. Mr Harlick was unrepresented at my investigation meeting and does not appear to have received professional assistance in preparing a witness statement or submissions.

[4] Costs awards may be made only for costs incurred directly in preparation for and attendance at the Authority's investigation. Since I have seen nothing to indicate that any such costs have been incurred, I make no award.

Y S Oldfield  
Member of Employment Relations Authority