



# New Zealand Employment Relations Authority Decisions

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## Gray v James Pascoe Limited 114A/10 (Auckland) [2010] NZERA 592 (26 July 2010)

Last Updated: 3 November 2010

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

AA 114A/10 5153997

BETWEEN MELISSA GRAY

Applicant

AND JAMES PASCOE LIMITED

Respondent

Member of Authority: Yvonne Oldfield

Representatives: Garry Pollak for Applicant

Parvez Akbar for Respondent

Submissions received: 12 April 2010 from Respondent

4 May 2010 from Applicant

Determination: 26 July 2010

### COSTS DETERMINATION OF THE AUTHORITY

[1] This employment relationship problem was the subject of a determination dated 15 March 2010 in which the applicant's claims of unjustified dismissal were dismissed. The Respondent has now made an application for costs. I was told that the Respondent's total costs were \$9,400.00 plus disbursements of \$31.39. It was submitted for the Respondent that:

*"The Respondent respectfully submits that the above costs are reasonable and necessary.*

*The Respondent urges the Authority to award a significant contribution towards its costs."*

[2] In responding for Ms Gray, Mr Pollak noted that Ms Gray is legally aided and therefore that no order for costs can be made in the respondent's favour.

[3] No order for costs may be made against an aided person in a civil proceeding unless there are exceptional circumstances.<sup>1</sup> There has been no suggestion of any such circumstances in this case. It is not therefore open to me to award costs against the applicant.

[4] I do record however that any such award would have been within the Authority's usual range on the basis that the investigation into this matter was relatively straightforward and required a meeting of less than a day. I can indicate that I would have considered a \$3,000.00 contribution to the respondent's costs to have been appropriate.

Yvonne Oldfield

<sup>1</sup> [Legal Services Act 2000](#), s. 40 (Liability of aided person for costs.)

Member of the Employment Relations Authority

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