

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**AA 61/08
5050621**

BETWEEN LYDIA ZAICEK
 Applicant

AND CIRCLE FINANCIAL MANAGEMENT
 LIMITED
 Respondent

Member of Authority: Leon Robinson

Submissions received: 28 November 2007
 10 December 2007
 17 December 2007
 18 December 2007

Determination: 27 February 2008

DETERMINATION OF THE AUTHORITY AS TO COSTS

[1] By a Determination dated 23 November 2007, I determined that the employment relationship problem between these parties did not require resolution by way of formal orders.

[2] Mr Ryan advised by letter dated 28 November 2007 that the applicant was in receipt of a grant of legal aid, and this fact had been communicated to Circle Financial Management Limited ("Circle") prior to the investigation meeting.

[3] Mr Nutsford for Circle submitted a memorandum dated 6 December 2007 formally lodged in the Authority on 10 December 2007. He advised that Circle respectfully called on the Authority to award Circle its total costs of \$5,083.75.

[4] Mr Ryan responded by repeating his earlier advice of 28 November 2007.

[5] Mr Nutsford makes further submissions by facsimile of 17 December 2007. It is not the Authority's concern whether Ms Zaicek is properly granted aid - that is a matter for the Legal Services Agency.

[6] I am not persuaded by Mr Nutsford's submissions to question the grant of aid. Nor am I persuaded there are exceptional circumstances so as to preclude Ms Zaicek relying on the statutory indemnity from an order for costs conferred upon her by the Legal Services Agency grant of aid to her.

[7] Accordingly, exercising my discretion on a principled basis, I resolve this application by ordering that neither party shall have costs against the other.

Leon Robinson
Member of Employment Relations Authority