

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND OFFICE**

**AA 222A/09  
5131825**

BETWEEN SELWYN GEORGE HUGHES-  
SPARROW

Applicant

AND RUG DOCTOR (NEW ZEALAND)  
LIMITED

Respondent

Member of Authority: Leon Robinson

Submissions Received: 3 August 2009  
12 August 2009

Determination: 19 August 2009

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**DETERMINATION OF THE AUTHORITY AS TO COSTS**

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[1] By a Determination dated 30 June 2009, I made orders in relation to arrears of wages but declined to make other orders in relation to Mr Hughes-Sparrow's contended personal grievance.

[2] The respondent's costs are advised as \$22,622. It is submitted that the respondent is to be regarded as the successful party and ought to have a costs award in its favour. It is acknowledged that Mr Hughes-Sparrow succeeded in obtaining an order for arrears of wages. The respondent seeks a contribution to its costs of \$5,700.00 That figure is composed of three days of professional time at \$2,000 per day reduced by \$300 for Mr Hughes-Sparrow's success.

[3] Mr Hughes-Sparrow advises that he is unemployed. He is ineligible for income support assistance because his wife works 32 hours per week. He says that "the household budget is in survival mode".

[4] The investigation meeting proceeded over one day.

[5] This is an equity and good conscience jurisdiction and I decline to make an award of costs against Mr Hughes-Sparrow because he satisfies me that he is unable to pay.

[6] In the principled exercise of my discretion I decline to order costs against Mr Hughes-Sparrow and **I order that neither party shall have costs against the other.**

Leon Robinson  
**Member of Employment Relations Authority**