

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 313/07  
5083688

BETWEEN                      GLENN URQUHART  
   Applicant  
  
AND                                AIR NEW ZEALAND LIMITED  
   Respondent

Member of Authority:      Vicki Campbell  
  
Representatives:            Glen Urquhart in Person  
   Kevin Thompson for Respondent  
  
Submissions received:      27 August 2007 from Applicant  
   27 August 2007 from Respondent  
  
Determination:                9 October 2007

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**COSTS DETERMINATION OF THE AUTHORITY**

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[1]        In a determination dated 6 August 2007, in relation to a preliminary issue as to jurisdiction, I found that Mr Urquhart's claim which was based on a contended breach of the Privacy Act, was not able to be determined in the Authority.

[2]        In my determination I reserved the question of costs and invited the parties to resolve the matter between them. They have been unable to do so and I am now in receipt of memorandum from the parties.

[3]        The determination of the preliminary issue was dealt with on the papers, by the consent of the parties. Therefore no appearances at the Authority were necessary. Air New Zealand claims costs of \$500.00.

[4]        I have taken from Mr Urquhart submissions that he is claiming to be impecunious. He submitted that his house is soon to be subject to a mortgagee sale, although no supporting evidence or documentation has been provided to the Authority.

[5] The Authority has a jurisdiction of equity and good conscience. I am satisfied that the imposition of even token costs would inflict a hardship on Mr Urquhart, and that that would be manifestly unjust.

[6] I order that costs shall lie where they fall.

Vicki Campbell

Member of the Employment Relations Authority