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Urquhart v Air New Zealand Ltd AA 313/07 (Auckland) [2007] NZERA 753 (9 October 2007)

Last Updated: 22 November 2021

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

COSTS DETERMINATION OF THE AUTHORITY

[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.

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[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

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