

Reference No. HRRT 012/2013

UNDER THE PRIVACY ACT 1993

BETWEEN GORDON HENRY HOLMES

PLAINTIFF

AND HOUSING NEW ZEALAND CORPORATION

DEFENDANT

AT DUNEDIN

BEFORE:

Mr RPG Haines QC, Chairperson

Ms WV Gilchrist, Member

Ms ST Scott, Member

REPRESENTATION:

Mr GH Holmes in person

Ms CP Paterson for defendant

DATE OF HEARING: 12 and 13 November 2014

DATE OF DECISION: 11 August 2015

DATE OF COSTS DECISION: 11 September 2015

DECISION OF TRIBUNAL ON COSTS APPLICATION BY PLAINTIFF¹

[1] In a decision given on 11 August 2015 (*Holmes v Housing New Zealand Corporation* [2015] NZHRRT 36) a declaration was made that Housing New Zealand Corporation interfered with the privacy of Mr Holmes by refusing to make personal information available to him in response to a request of 27 March 2012 for access to that information. In addition, damages of \$400 were awarded for injury to feelings. Costs were reserved.

¹ [This decision is to be cited as: *Holmes v Housing NZ Corporation (Costs)* [2015] NZHRRT 42]

[2] In submissions dated 21 August 2015 Mr Holmes offered an “estimated figure” of \$150 for the disbursements incurred by him.

[3] In submissions dated 7 September 2015 Ms Paterson pointed out the volume of material involved in the hearing was small and that while Mr Holmes had undoubtedly incurred expenses, the claimed figure of \$150 was excessive. Housing New Zealand Corporation accept \$100 would be appropriate to cover Mr Holmes’ disbursements.

Discussion

[4] As a litigant in person Mr Holmes is not entitled to costs as such but is entitled to disbursements which can be substantiated.

[5] It is understandable Mr Holmes cannot produce receipts for each item copied or for his postage costs. An estimate is necessary.

[6] We agree with Housing New Zealand Corporation that the \$150 claimed by Mr Holmes is excessive.

[7] In view of the fact Housing New Zealand Corporation accepts \$100 is appropriate to cover Mr Holmes’ disbursements, that is our award.

Order

[8] Housing New Zealand Corporation is ordered to pay Mr Holmes costs of \$100.

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Mr RPG Haines QC **Ms WV Gilchrist** **Ms ST Scott**
Chairperson **Member** **Member**