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Barlow v Waikato Sheds Limited (Auckland) [2017] NZERA 12; [2017] NZERA Auckland 12 (19 January 2017)

Last Updated: 6 March 2017

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2017] NZERA Auckland 12
3000972

BETWEEN JOSEPHINE BARLOW Applicant
AND WAIKATO SHEDS LIMITED Respondent
Member of Authority: Eleanor Robinson
Representatives: Applicant in person
Susan-Jane Davies, Counsel for Respondent
Determination: 19 January 2017

DETERMINATION OF THE AUTHORITY

Application for compliance order

[1] The Respondent, Waikato Sheds Limited (WSL), has applied to the Authority under s 137 of the [Employment Relations Act 2000](#) (the Act) for an order requiring the Applicant, Ms Josephine Barlow, to comply with the costs determination issued by the Authority on 5 April 2016.

[2] In that determination the Authority ordered Ms Barlow to pay to WSL the sum of \$2,000.00 which sum represented a significant decrease on the usual daily tariff rate of \$5,250.00 which would have normally been awarded in respect of a day and a half investigation meeting. The decrease was made in recognition of Ms Barlow's financial hardship situation.

[3] In that determination I alluded to the fact that WSL might be willing for Ms Barlow to make payment by way of instalments, and reserved leave for the parties to revert to the Authority if the matter was not resolved.

[4] WSL have reverted to the Authority on the basis that Ms Barlow has not made any payments in respect of the costs awarded to it, nor has she been in contact with it to propose a payment arrangement.

1 [2016] NZERA Auckland 104

[5] Ms Barlow in the Statement in Reply to the compliance application claims that she is in a situation of significant financial hardship and has offered to make payment at the rate of \$5.00 per week.

[6] This offer was not acceptable to WSL, but it made a counter offer to accept payment in stage payments as set out in an email dated 12 January 2017.

[7] Ms Barlow has rejected the counter offer.

Compliance Order

[8] I am satisfied that Ms Barlow has not complied with the terms of the Authority's determinations of 5 April 2016. As observed, I had taken account of Ms Barlow's personal circumstances in setting the level of the costs awarded to be made to WSL. Ms Barlow has not provided to the Authority any further financial evidence of her assets, liabilities, income and expenditure with the Statement in Reply.

[9] It is just in the circumstances for an order to be made requiring Ms Barlow to comply with the determination.

[10] Ms Barlow is ordered to pay WSL the \$2,000.00 costs awarded in determination

[2016] NZERA Auckland 104 within 28 days from the date of this determination.

[11] I consider that it is appropriate that Ms Barlow is ordered to pay interest on the outstanding sums owed to WSL.

[12] Ms Barlow is to pay interest of 5% on the outstanding sums due to WSL from the date of determination until the amounts owed are paid in full

Costs

[13] This matter was determined 'on the papers' as agreed with the parties and no additional costs are awarded.

Eleanor Robinson

Member of the Employment Relations Authority