

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2012] NZERA Auckland 203  
5324387

BETWEEN

ELAINE MARTIN  
Applicant

AND

EASY MIND WAIKATO  
LIMITED  
Respondent

Member of Authority: K J Anderson

Representatives: J Peebles, Advocate for Applicant  
E Burke, Counsel for Respondent

Determination: 15 June 2012

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**DETERMINATION OF THE AUTHORITY**

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**Compliance with costs agreement**

[1] The substantive matter was determined in favour of the respondent on 26 October 2011<sup>1</sup>. The parties were requested to reach a resolution on the matter of appropriate costs to be paid by Ms Martin as the unsuccessful party. Via an *Application for Costs Order* dated 23 November 2011, it appeared that the parties had reached an agreement that Ms Martin would pay the sum of \$1,250.00 as a contribution to the costs incurred by the respondent. The application asked the Authority to make a consent order accordingly.

[2] However, it subsequently transpired that there was no evidence of a signed consent agreement as to the matter of costs and it has not been possible to contact Mr Peebles the advocate for Ms Martin. Nonetheless, there is an exchange of emails available to the Authority that is sufficient evidence to confirm that an offer (from Ms Martin) and acceptance (by Mr Denis Quigan for the respondent) that the sum of \$1,250.00 would be paid by Ms Martin to Easy Mind Waikato Limited.

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<sup>1</sup> [2011]ZERA Auckland 463

[3] It appears that Ms Martin has not made the payment that she agreed to. However, I am not prepared to issue a consent order, as sought by the respondent, as I conclude that the matter should be treated as one of compliance under s.137 of the Employment Relations Act 2000; as an agreement on this matter was concluded between the parties on or about 22 November 2011, as evidenced by the aforementioned exchange of emails.

**Order of the Authority**

[4] Pursuant to s.137 of the Employment Relations Act 2000, Ms Elaine Martin is ordered to pay to Easy Mind Waikato Limited the sum of \$1,250.00 by not later than 13 July 2012.

**K J Anderson**  
**Member of the Employment Relations Authority**