

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN DEC (Manufacturing) NZ (Applicant)

AND Kevin Halloway (Respondent)

REPRESENTATIVES Glenys Steele, Counsel for Applicant
Kevin Halloway In person

MEMBER OF AUTHORITY Ken Anderson

DATE OF DETERMINATION 12 January 2005

DETERMINATION OF THE AUTHORITY

Application for Compliance Order

- [1] By way of a costs determination dated 25 June 2003, AA 152A/03, the Authority ordered Mr Halloway to pay to DEC (Manufacturing) NZ (“DEC”) the sum of \$1,096.13 for disbursements, and a further \$3,500.00, as a contribution to the costs incurred by DEC, in successfully defending a personal grievance raised by Mr Halloway. Therefore, the total sum that Mr Halloway was ordered to pay was \$4,596.13.
- [2] It was subsequently agreed that Mr Halloway would pay \$20.00 per week until the sum owed was paid. As at December 2003, Mr Halloway had paid the total sum of \$400.00. No further payments have been received. The outstanding sum now owed by Mr Halloway to DEC is \$4,196.13.
- [3] By way of a *Statement of Problem* received by the Authority on 22 July 2004, DEC now seeks that the Authority should order Mr Halloway to comply with the costs determination and pay the outstanding sum.
- [4] The record shows that there was some difficulty on the part of the Authority in serving the *Statement of Problem* and the associated documents, upon Mr Halloway. Subsequently, DEC were required to arrange service via their agent/advocate, Beattie Rickman.
- [5] Having read the evidence of Ms Glenys Steele, Beattie Rickman, I am satisfied that Mr Halloway is in receipt of the *Statement of Problem* and the associated documents, and that Mr Halloway has chosen not file a *Statement in Reply*. It has not been possible to locate Mr Halloway to ascertain if he wishes to be heard by the Authority before this matter is determined.
- [6] Therefore, pursuant to Clause 12 of Schedule 2 to the Employment Relations Amendment Act 2004, the investigation of this matter has proceeded in full.

Determination

- [7] On the basis of the credible evidence that is available, I am satisfied that Mr Halloway has not complied with the determination of the Authority dated 25 June 2003 and that the sum of \$4,196.13 is outstanding.
- [8] Mr Halloway is ordered to pay to DEC (Manufacturing) NZ the sum of \$4,196.13. This order is to be complied with by Mr Halloway not later than 28 February 2005.

Ken Anderson
Member
Employment Relations Authority