

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2011] NZERA Auckland 540  
5357071

BETWEEN	TBA COMMUNICATIONS LIMITED Applicant
AND	TRUDY BUTTERWORTH Respondent

Member of Authority: Alastair Dumbleton

Representatives: Gretchen Stone, counsel for Applicant  
Mark Ryan, counsel for Respondent

Consideration of papers: 19 December 2011

Determination: 20 December 2011

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**DETERMINATION OF THE AUTHORITY**

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**Application for compliance order**

[1] This application for an order under s 137 of the Employment Relations Act 2000 has been made in respect of the Authority's determination of 17 June 2011 which required Ms Trudy Butterworth to pay costs of \$9,000 to TBA Communications Ltd. That determination followed the disposal by the Authority of a personal grievance claim that had been brought by Ms Butterworth against TBA and an associated application for interim reinstatement; see [2011] NZERA Auckland 258.

[2] Counsel have agreed that the Authority can determine this compliance application from written material they have supplied in addition to the statements of problem and in reply. It appears that the costs award has been partly paid but that a total of \$6,140 remains owing. No time limit for payment was expressly set but it is implicit that such orders are to be met within a reasonable period. It appears that Ms Butterworth does intend to pay and unilaterally has done so with several instalments

of \$30 per fortnight, at which rate it will take some seven years to fully discharge the debt.

[3] No further or better information has been supplied by Ms Butterworth about her financial circumstances than that given to the Authority before it determined costs in June this year.

[4] Mr Ryan submits that the Authority did not set a time by which the costs were to be paid and did not direct that they were to be paid in one lump sum rather than in regular instalments. He submits that some of the costs have now been paid and Ms Butterworth will continue addressing the debt.

[5] The fact is that as of now the order made by the Authority for costs of \$9,000 to be paid has not been fully met. I accept that TBA considers that the rate of time payment adopted by Ms Butterworth is too low in the circumstances and it is therefore reasonable for a further order to be sought.

### **Determination**

[6] Pursuant to s 137 of the Employment Relations Act the Authority exercising its discretion orders Ms Butterworth to pay to TBA Communications Ltd in full the balance of the costs awarded remaining outstanding as of the date of this determination. Under s 137(2) the specified time within which this order is to be obeyed is 14 March 2012.

[7] I decline to order interest but fix a contribution to legal costs payable by Ms Butterworth to TBA on the application at \$375 and disbursements in the amount of the filing fee of \$71.56.

[8] Counsel Mr Ryan will be able to advise Ms Butterworth of provision made in the Act for enforcing compliance orders.

