

BETWEEN ROZALIND JONES  
Applicant

AND PALMCO GARDEN LIMITED  
Respondent

Member of Authority: Eleanor Robinson

Representatives: Belinda Robinson, Advocate for Applicant  
Mike Wright, Representative for Respondent

Investigation Meeting: On the papers

Date of Determination: 15 March 2017

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**DETERMINATION OF THE AUTHORITY**

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**Employment Relationship Problem**

[1] The Applicant, Ms Rozalind Jones, seeks an order for compliance in accordance with Determination [2015] NZERA Auckland 206<sup>1</sup>

[2] In that Determination the Respondent, Palmco Garden Limited (Palmco), was ordered to pay Ms Jones, within 28 days of the date of determination, the sum of \$14,655.00 as lost remuneration pursuant to s 123(1)(b) of the Employment Relations Act 2000 (the Act), and the sum of \$6,000.00 as compensation pursuant to s 123 (1)(c) of the Act, a total sum of \$20,655.00.

[3] Ms Jones further seeks an order for compliance with Determination [2015] NZERA Auckland 255<sup>2</sup>. In that Determination Palmco was ordered to pay Ms Jones the sum of \$750.00 costs plus \$71.56 in respect of the filing fee.

[4] Ms Jones claims that Palmco has not complied with either of the Determinations.

[5] Mr Wright claims that Palmco is not in a position to make payment in full and has offered to make payment by way of instalments. This is not acceptable to Ms Jones.

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<sup>1</sup> *Rozalind Jones v Palmco Garden Limited* [2015] NZERA Auckland 206

<sup>2</sup> *Rozalind Jones v Palmco Garden Limited* [2015] NZERA Auckland 255

## Determination

### Compliance Order

[6] The power of the Authority to order compliance is set out in s.137 of the Employment Relations Act 2000 (the Act), which states in s.137(i)(b) that the Authority has the power to order compliance with:

*Any order, determination, direction or requirement made or given under this Act by the Authority or a member or officer of the Authority*

[7] Compliance with Determination [2015] NZERA Auckland 206 and Determination [2015] NZERA Auckland 255 is ordered against Palmco.

### Interest

[8] Ms Jones has applied for interest on the outstanding sums as set out in the Determinations.

[9] The Authority has the power to award interest pursuant to clause 11 of the Second Schedule of the Act at the rate prescribed by the Judicature Act 1908, which is currently 5% per annum<sup>3</sup>.

[10] I consider that it is appropriate that Palmco is ordered to pay interest on the outstanding sums owed to Ms Jones.

[11] Palmco is also ordered to pay the filing fee associated with this application.

[12] **In order to effect compliance with Determination [2015] NZERA Auckland 206 and Determination NZERA Auckland 255, I therefore order Palmco to pay Ms Jones, no later than 27 March 2017, the outstanding amounts as determined:**

- i) **the sum of \$14,655.00 as ordered in Determination [2015] NZERA Auckland 206;**
- ii) **the sum of \$6,000.00 as ordered in Determination [2015] NZERA Auckland 206;**

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<sup>3</sup> Judicature (Prescribed Rate of Interest) Order 2011 (SR2011/177)

- iii) **the sum of \$750.00 as ordered in Determination [2015] NZERA Auckland 255;**
- iv) **interest on those sum at the rate prescribed by the Judicature Act 1908, which is currently 5% per annum<sup>4</sup>;**
- v) **the sum of \$71.56 in respect of the filing fee as ordered in Determination [2015] NZERA Auckland 255; and**
- vi) **the sum of \$71.56 in respect of filing fee for this application for compliance.**

**Eleanor Robinson**  
**Member of the Employment Relations Authority**

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<sup>4</sup> Judicature (Prescribed Rate of Interest) Order 2011 (SR2011/177)