

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKAURAU ROHE**

[2022] NZERA 642
3193539

BETWEEN KANAVALÉ PALU
 Applicant

AND NZ ASSIST LIMITED
 Respondent

Member of Authority: Nicola Craig

Representatives: Applicant in person
 Kylie Turgis, agent for respondent

Investigation Meeting: On the papers

Submissions (and further 24 November 2022 from the applicant
information) received: 21 and 23 November 2022 from the respondent

Date of determination: 7 December 2022

DETERMINATION OF THE AUTHORITY

- A. NZ Assist Limited is ordered to comply with a determination of the Authority by paying Kanavale Palu \$6,014.25 gross lost wages and \$8,000 compensation within 14 days of the date of this determination.**
- B. NZ Assist Limited is to pay Mr Palu \$71.56 for the Authority’s filing fee within 14 days of the date of this determination.**

[1] A written record of an oral determination of the Authority was issued on 28 September 2021 in a case involving Kanavale Palu and NZ Assist Limited (NZAL or the company).¹

¹ *Kanavale Palu v NZ Assist Limited* [2021] NZERA 419.

[2] The Authority found that Mr Palu was unjustifiably dismissed by NZAL and should receive lost wages and compensation.

[3] Mr Palu now seeks a compliance order as NZAL has not paid him any of the money ordered under the determination.

[4] Kylie Turgis, director of NZAL, told the Authority that the last couple of years had been a very difficult time for it. Also, the company had not traded for some time, having no employees, assets nor means of generating income. Ms Turgis reports explaining to Mr Palu several times that there are no funds available to pay him.

[5] Ms Turgis did not wish to waste Mr Palu's or the Authority's time in re-hashing this matter and indicated she would not be attending the case management conference being arranged.

[6] The Authority proposed to the parties that the matter be decided on the papers. No objections were received within the specified time. The parties were given a further period to provide any additional information but none was received.

[7] The sums owing under the determination have not been paid. A compliance order should be issued to require the company to pay the money it owes.

[8] NZ Assist Limited is ordered to comply with a determination of the Authority by paying Kanavale Palu \$6,014.25 gross lost wages and \$8,000 compensation within 14 days of the date of this determination.

[9] Mr Palu has also had to pay the Authority's filing fee for this application and should be reimbursed for that. NZ Assist Limited is to pay Mr Palu \$71.56 for the Authority's filing fee within 14 days of the date of this determination.

Nicola Craig

Member of the Employment Relations Authority