

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE LOCATION OFFICE**

BETWEEN Colin Wallace Powell (First Applicant)
AND Lisa Strong Gorringe (Second Applicant)
AND Norman Graham Holm (Third Applicant)
AND Nontje Aldworth (Fourth Applicant) Applicant

AND New Zealand Education Limited (Respondent)

REPRESENTATIVES Colin Wallace Powell, Lisa Strong Gorringe, Norman Graham Holm
and Nontje Aldworth in person.

Wayne Gordon and John Vincent, Directors, for Respondent

MEMBER OF AUTHORITY Y S Oldfield

INVESTIGATION MEETING 9 March 2006

DATE OF DETERMINATION 20 March 2006

SUPPLEMENTARY DETERMINATION OF THE AUTHORITY

- [1] In a determination dated 13 March 2006 I made orders for arrears of wages and in some cases holiday pay to be paid to the applicants in this matter. In addition the applicants also seek interest on the sums they are owed, at what they have described to me as “the going rate” payable on credit card debt.
- [2] As I advised them and the directors at my meeting with them all, I have a discretion to award interest pursuant to Clause 11, Schedule 2 of the Employment Relations Act 2000, as follows:
- “(1) Subject to subclause (2), in any matter involving the recovery of any money, the Authority may if it thinks fit, order the inclusion, in the sum for which judgement is given, of interest at such rate not exceeding the 90-day bill rate (as at the date of the order), plus 2% , as the Authority thinks fit, on the whole or part of the money for the whole or part of the period between the date when the cause of action arose and the date of payment in accordance with the determination of the Authority.”*
- [3] The 90 day bill rate today (rounded to one decimal place) is 7.5%. In the prevailing economic circumstances I consider it appropriate for me to exercise my discretion to set interest at one percentage point higher than this, that is, at the rate of 8.5% per annum. I therefore make the following orders.

- [4] The respondent is ordered to pay Mr Holm, Ms Aldworth and Mr Powell each a further 8.5% per annum on the sums already ordered to be paid to them, for the period from their final day of employment, 16 December 2005, until the date of payment.**
- [5] The respondent is ordered to pay to Ms Gorringe a further 8.5% per annum on top of the arrears of wages already ordered to be paid to her, for the period from her final day of employment, 9 December 2005, until the date of payment.**
- [6] I note however that this order for the payment of interest does not apply to the order for reimbursement of the filing fee and disbursements.**

Y S Oldfield
Member of Employment Relations Authority