

Attention Is Drawn To The Order  
Prohibiting Publication Of Certain  
Information Referred To In This  
Determination

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI  
ŌTAUTAHI ROHE**

[2021] NZERA 164  
3112282

BETWEEN SEL  
Applicant

AND MDN  
Respondent

Member of Authority: Philip Cheyne  
Representatives: Rachel Rolston, advocate for the Applicant  
MDN, in person  
Investigation Meeting: 22 April 2021 in Christchurch  
Date of Determination: 22 April 2021

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**DETERMINATION OF THE AUTHORITY**

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**This determination is a written record of an oral indication given on 22 April 2021.**

- A. MDN is to pay SEL the sum of \$19,850.00 as follows: one payment of \$300.00 on 22 April 2021; 65 payments of \$300.00 fortnightly starting Thursday 6 May 2021; followed by 1 final fortnightly payment of \$50.00. This order is made pursuant to section 137 of the Employment Relations Act 2000.**
- B. MDN is to pay SEL costs on this application of \$71.56, by no later than 21 May 2021.**

## **Employment relationship problem**

[1] There is a consent determination between these parties under which MDN was ordered to pay SEL compensation of \$20,000.00 by instalments of \$150.00 weekly.

[2] The determination included a non-publication order. The applicant was identified as SEL and the respondent as MDN. I make the same order and will use the same protocol to identify the parties on this application

[3] MDN made only the first payment and none since. I find that MDN has not complied with the consent determination.

[4] MDN in response to the present application produced some detail about financial circumstances. On review, I tend to accept the analysis of SEL's representative that MDN could arrange matters to be able to meet the continuing obligation under the consent determination. Discussion today resulted in an agreement, reflected in the compliance order set out above. SEL in effect defers payment of the arrears. MDN promises to make a first payment of \$300.00 today, followed by fortnightly payments of \$300.00 and a final payment of \$50.00. SEL has the benefit of a compliance order to support the promise of regular payments.

[5] I attach to this determination a copy of s 140 of the Act, and refer MDN to s 140(6), which sets out the potential consequences if MDN does not comply with the order made today.

[6] There is only a claim for costs to recover the lodgement fee.

Philip Cheyne  
Member of the Employment Relations Authority