

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2018] NZERA Auckland 209  
3030231

BETWEEN                      LISA LOVERIDGE  
   Applicant  
  
AND                                MATIRA LIMITED  
   Respondent

Member of Authority:      Vicki Campbell  
  
Representatives:              Applicant in person  
   Richard Kuegler for Respondent  
  
Investigation Meeting:      On the papers  
  
Determination:                2 July 2018

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**DETERMINATION OF THE AUTHORITY**

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- A.      Within 14 days of the date of this determination Matira Limited is ordered to comply with paragraphs [25] and [50] of my substantive determination dated 17 January 2018 by paying \$6,647.34 under s 131 of the Act and \$71.56 to Ms Loveridge.**
- B.      Matira Limited is ordered to calculate and pay interest on the outstanding money from 18 January 2018 until the required payments are made.**
- C.      Matira Limited is ordered to pay to Ms Loveridge costs in the sum of \$271.56 within 14 days of the date of this determination.**

### **Employment relationship problem**

[1] Section 137(1)(b) provides the Authority with a discretionary power to order compliance against any person who has not complied with a determination given under the Act by the Authority.

[2] In a decision dated 17 January 2018 I ordered Matira Limited to pay to Ms Loveridge the sum of \$6,647.34 as arrears of wages under section 131 of the Employment Relations Act 2000 and to reimburse the filing fee on her application of \$71.56.<sup>1</sup>

[3] Matira has not complied with the orders made in my determination and Ms Loveridge seeks a compliance order, interest and reimbursement of her costs.

[4] Mr Kuegler lodged a statement in reply on behalf of Matira in which he refers to items retained by Ms Loveridge as being its only assets and has provided no other response as to the reasons why the orders made in my determination have not been complied with.

[5] On 13 March 2018 Ms Loveridge obtained a Warrant to Seize Property from the District Court. The bailiffs were unable to seize any property and the Warrant was ineffective.

[6] The parties have consented to this matter being dealt with on the papers currently before the Authority.

### **Compliance Order**

[7] The response from Matira, that Ms Loveridge has assets owned by it was the basis on which it sought damages in my earlier determination. That application was declined on the basis that Matira had failed to establish its claim.

[8] A search of the companies register shows that Matira continues to be a registered company. Matira has not provided any explanations or justification for the non-compliance.

[9] Ms Loveridge is entitled to recover the amounts she is owed and for that reason I consider it appropriate to issue the compliance order sought.

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<sup>1</sup> *Loveridge v Matira Limited* [2018] NZERA Auckland 18.

[10] Within 14 days of the date of this determination Matira Limited is ordered to comply with paragraphs [25] and [50] of my substantive determination dated 17 January 2018 by paying \$6,647.34 and \$71.56 to Ms Loveridge.

### **Interest**

[11] Ms Loveridge seeks interest on the outstanding money. There can be no doubt that Matira has, by failing to make the ordered payments, continued to have use of money rightfully belonging to Ms Loveridge. In these circumstances it is appropriate to order that interest be paid on the outstanding amounts. Interest should be calculated from 18 January 2018 until the payments are made using the calculator established pursuant to s 13 of the Interest on Money Claims Act 2016.

### **Further non-compliance**

[12] The Authority's orders may be the subject of a further application for compliance in the Employment Court which is empowered to impose penalties for continuing non-compliance which include imprisonment, fines and the sequestration of property.

### **Costs**

[13] Ms Loveridge seeks reimbursement of \$71.56 being the costs associated with this application plus \$200 being the cost of obtaining the warrant which she used in an attempt to obtain payment under the substantive determination.

[14] It is appropriate to make an order for costs. Matira Limited is ordered to pay to Ms Loveridge costs in the sum of \$271.56 within 14 days of the date of this determination.

Vicki Campbell  
Member of the Employment Relations Authority