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Panel Holdings Ltd v Paki AA 335/07 (Auckland) [2007] NZERA 712 (24 October 2007)

Last Updated: 19 November 2021

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

AA 335/07 5096889

BETWEEN	PANEL HOLDINGS LTD Applicant
AND	PAANIA PAKI Respondent

Member of Authority: Dzintra King

Representatives: Kelly Rowell, Counsel for Applicant

No appearance for Respondent Investigation Meeting: 4 October 2007

Determination: 24 October 2007

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The applicant seeks compliance orders requiring Ms Paki to comply with two Authority determinations: AA 232/07 and AA 232A/07.

[2] The respondent received notification of the hearing. No Statement in Reply has been received.

[3] On 1 October the Authority received correspondence from a solicitor who had agreed to act for Ms Paki. That solicitor sought leave to formally withdraw. I granted that leave.

[4] On the day of the hearing I waited for fifteen minutes but there was no appearance by Ms Paki or anyone acting on her behalf.

[5] The applicant also seeks costs associated with making the compliance application. The costs sought were forwarded to Ms Paki who was given an opportunity to comment. No submission has been received from Ms Paki.

[6] Ms Paki has not paid the amounts awarded against her in the two determinations referred to in para [1]. Ms Paki has not responded to the requests for payment made by Panel Holdings Ltd and has made no attempt to come to any arrangement with the respondent regarding payment.

[7] As I have heard nothing from Ms Paki I am unable to take into account the possibility that she may not have the financial resources to make the payments. I have been told that the applicant understands Ms Paki does have

assets.

[8] The power to order compliance pursuant to s 137 (2) is discretionary. Given Ms Paki's continued failure to cooperate with the Authority or to contact the applicant it is just in the circumstances that compliance orders are made.

[9] Ms Paki is to pay the sums of:

- \$32,713.68 (reimbursement for unauthorised expenditure)
- \$15,000 (penalties, half to the Applicant and half to the Crown)
- \$21,250.53 (costs and expenses).

[10] The applicant has asked that money owed be paid within 7 days or such other period as the Authority considers appropriate.

[11] The amount owed is considerable. I appreciate that the respondent may have difficulty raising it within 7 days. However, she has also been on notice since the issuing of the two determinations that the money is owed. Ms Paki is to pay the respondent the sum of \$61,464.21 within 21 days of the date of this determination.

[12] The applicant has sought costs for the making of the compliance application. These are \$1,582.03 for costs associated with the making of the application and appearance at the Investigation Meeting and the \$70 filing fee.

[13] Although the hearing for the compliance order took a short time the applicant has been put to the trouble of making the application and appearing at the hearing. Reasonable costs are \$1000 plus disbursements of \$70 for the filing fee.

Dzintra King

Member of the Employment Relations Authority

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