

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 331/09
5274683

BETWEEN

YUN YUN FEI
Applicant

AND

PAC-AL NZ LIMITED
(formerly MONEYWORLD
ASIA (NZ) LIMITED.)
Respondent

Member of Authority: Yvonne Oldfield

Representatives: Mrs Fei in person
No appearance for Respondent

Investigation Meeting: 11 September 2009

Determination: 11 September 2009

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] This matter concerns a request for an order for compliance with a determination of the Authority. In a determination dated 1 May 2009 (AA138/09) I found that the applicant, Mrs Fei, was unjustifiably dismissed and made the following orders against the respondent:

- i. “the respondent is ordered to pay to the applicant lost earnings in the sum of \$7,800.00 gross;*
- ii. the respondent is ordered to pay to the applicant the sum of \$5,000.00 compensation for hurt and humiliation, and*
- iii. the respondent is ordered to pay to the applicant the sum of \$70.00 in reimbursement of the filing fee.”*

[2] On 9 June 2009 Ms Fei obtained a Certificate of Determination and proceeded to seek enforcement assistance from the District Court. On 16 July 2009 its Collections Unit wrote to tell her that the respondent was no longer trading as registered with the Companies' Office and the warrant had not been executed. On 27 July Mrs Fei lodged this application for compliance. She confirmed to me this morning that she still has not received payment of the remedies awarded in my determination of 1 May 2009.

[3] By way of statement in reply to this application, the respondent advised that it was insolvent and had ceased trading. It did not appear at today's investigation meeting but director Mr Lim Jit Poh wrote on 8 September 2009 stating, very briefly:

"We have mentioned ad nauseum that PAC-AL (NZ) Ltd (1548435) ceased trading in Dec 2008 because it was financially insolvent.

Please do not waste any more time and resources."

Determination

[4] This morning before convening my investigation meeting I checked the Companies Register and confirmed that PAC-AL (NZ) Ltd (1548435) was still registered. Since the respondent remains registered proceedings against it can and will continue.

[5] It is clear that the orders made in the determination of 1 May 2009 have not been met. Mrs Fei is entitled to an order for compliance with that determination. Section 137 of the Employment Relations Act requires that the Authority must specify a time within which an order for compliance is to be obeyed. **I therefore order that the respondent, PAC-AL (NZ) Ltd (1548435), must within a period of 30 days comply with the orders made in my determination of 1 May 2009, as set out in paragraph [1] above.**

Yvonne Oldfield

Member of the Employment Relations Authority