

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2012] NZERA Auckland 318
5392884

BETWEEN HOWARD DELL
 Applicant

A N D ABC01 LIMITED
 (FORMERLY PRIMARY
 HEART CARE LIMITED)
 Respondent

Member of Authority: James Crichton

Representatives: Applicant in person
 No appearance for Respondent

Investigation meeting: On the papers

Date of Determination: 11 September 2012

DETERMINATION OF THE AUTHORITY

Application for compliance order

[1] By determination dated 10 August 2012, *Dell v. Primary Heart Care Limited* [2012] NZERA Auckland 272 the Authority ordered the respondent Primary Heart Care Limited to pay salary of \$186,666.66 gross to Mr Dell.

[2] Since the issue of that determination, the respondent has changed its name to ABC01 Limited and for the avoidance of doubt, the Authority is satisfied that ABC01 Limited is the incorporated successor of Primary Heart Care Limited. Hereafter, this determination will refer to the respondent as ABC.

[3] ABC has not paid any of the salary due to Mr Dell and ordered by the Authority in its determination of 10 August 2012 and Mr Dell now applies to the

Authority for a compliance order pursuant to s.137 of the Employment Relations Act 2000 together with an award of costs.

[4] The Authority is satisfied that proper service of its determination of 10 August 2012 has been effected on ABC and that the sums owed to Mr Dell have not been paid.

Determination

[5] ABC01 Limited is ordered to comply with the determination of the Authority issued on 10 August 2012 and pay to the applicant Mr Howard Dell the sums ordered in that determination.

[6] ABC01 Limited must comply with this order not later than 24 September 2012.

Costs

[7] ABC01 Limited is ordered to pay to Mr Dell the sum of \$71.56 being the application fee for the compliance order as paid to the Authority.

James Crichton
Member of the Employment Relations Authority